

REPORT III

**PREPARATORY ASIATIC REGIONAL CONFERENCE
OF THE INTERNATIONAL LABOUR ORGANISATION**

NEW DELHI, 1947

**Programme of Action for the Enforcement of
Social Standards Embodied in Conventions and
Recommendations Not Yet Ratified or Accepted**

Third Item on the Agenda

**NEW DELHI
International Labour Office
1947**

CONTENTS

	Page
INTRODUCTION	1
CHAPTER I. <i>Employment and Unemployment</i>	7
Employment Offices	7
Recruiting and Contracts of Employment	13
Penal Sanctions and Forced Labour	17
Public Works Policy	21
CHAPTER II. <i>Conditions of Work</i>	25
Hours of Work	26
Weekly Rest	32
Holidays with Pay	33
Wage-Fixing Machinery	36
Utilisation of Spare Time	39
CHAPTER III. <i>Employment of Children and Young Persons</i>	42
Age of Admission to Employment	43
Night Work	49
Vocational Training and Apprenticeship	51
CHAPTER IV. <i>Employment of Women</i>	59
Maternity Protection	59
Night Work	63
Underground Work in Mines	64
Protection of Female Migrants on Board Ship	65
CHAPTER V. <i>Industrial Safety and Hygiene</i>	67
Industrial Safety	68

	Page
CHAPTER VI. <i>Migration</i>	78
CHAPTER VII. <i>International Seafarers' Code</i>	85
CHAPTER VIII. <i>Agriculture</i>	92
CHAPTER IX. <i>Administration of Labour Law : Inspection and Statistics</i>	97
<i>Labour Inspection</i>	97
<i>Statistics</i>	99
CHAPTER X. <i>Conclusion</i>	102

INTRODUCTION

In fixing the agenda of the Preparatory Asiatic Regional Conference, the Governing Body at its 98th Session (May, 1946) defined item III in the following terms:

Programme of action over a period of years for the enforcement of social standards embodied in the Conventions and Recommendations adopted by the International Labour Conference but not yet ratified or accepted by the countries concerned

The present Conference is unprecedented in character, not only because it is the first time that a Conference of the International Labour Organisation is being held on the soil of Asia, but also because a number of delegates and advisers attending it will be making their first direct acquaintance with the mechanism and procedure of the Organisation. It may therefore not be out of place for attention to be drawn briefly to certain salient features of the Conventions and Recommendations adopted by the International Labour Conference in so far as they may be relevant to the subject matter of this Report. A word must also be said about the scope of the Report and the manner in which item III has been dealt with in it.

The International Labour Conference forms one of the three principal organs of the International Labour Organisation; the others are the International Labour Office and the Governing Body. Member States are represented at the Conference by tripartite delegations (Governments, employers, and workers); and Conventions and Recommendations prescribing minimum standards of labour protection are adopted by the Conference by a two-thirds majority vote. Under the Constitution of the Organisation, Governments must bring the Conventions to the attention of their competent national authorities (legislatures) for possible ratification within a maximum period of 18 months after their adoption. If a Convention is ratified, the ratifying country must take measures to apply its provisions and report annu-

ally to the International Labour Office on these measures. The Members are also required to bring Recommendations before their "competent authorities" with a view to effect being given to them, but Recommendations are international instruments of a less formal character than Conventions and do not call for ratifications.

The International Labour Conference in the course of its 29 sessions held since 1919 has adopted a total of 80 Conventions. These Conventions have to date received 925 ratifications by over 50 countries. In addition, 80 Recommendations have been adopted. It has become customary for this body of international regulations (Conventions and Recommendations) to be comprehensively referred to as the "International Labour Code". For the sake of convenience this compendious term will be used in the present Report.

Although item III refers specifically to Conventions which have not been ratified and Recommendations which have not been accepted, it has been thought useful to mention in the Report cases where the standards of the International Labour Code have already been accepted either by ratification of certain Conventions by certain countries, or by the acceptance of certain Recommendations in whole or in part. Thus in the case of Conventions, attention is called in the Report to ratifications by China, India, Australia, and New Zealand. In addition, it has been agreed that Burma remains bound by the 14 Conventions which India had ratified up to 1937, when Burma ceased to be a part of India. In respect of ratifications by India, it must be explained that under existing constitutional practice ratification is applicable only in the Indian provinces and not in the Indian States. The texts of Conventions and Recommendations, when adopted by the International Labour Conference, are however brought to the attention of the Indian States through the good offices of the Government of India. Further, Article 35 of the Constitution of the Organisation provides for the extension (with or without modifications), to territories which are not fully self-governing, of ratifications of Conventions by metropolitan countries. Attention is called in the Report to cases where, in accordance with the above-mentioned Article of the Constitution, the application

of certain ratified Conventions, has been extended to certain non-metropolitan territories represented at the present Conference.

An important point to which special attention must be called is that when the Constitution of the Organisation was originally drawn up, the necessity for possible modifications of certain Conventions and Recommendations to provide for special conditions in certain regions was recognised. Thus Article 19, paragraph 3, of the Constitution lays down that:

In framing any Recommendation or draft Convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

Concrete application of this provision finds expression in a number of Conventions which embody modified standards in respect of certain Asiatic countries. Various Recommendations adopted by the International Labour Conference are also based upon the assumption that international labour standards are not simultaneously attainable in all regions of the world. Detailed attention is called to these modified provisions in the chapters of the Report dealing with the relevant portions of the International Labour Code. Finally, a new type of international instrument was devised for the same purpose in the Statistics of Wages and Hours of Work Convention, adopted in 1938, which makes provision for ratification in parts, when immediate over-all acceptance appears impracticable.

In principle, the Report covers the whole of the International Labour Code as it has evolved since the Organisation was founded. But since the subject of social security figures on the agenda of the Conference as a separate item, it has been thought advisable, in order to avoid overlapping, that the report on item I on the agenda (Problems of Social Security) should deal with the Conventions and Recommendations concerning social insurance. It must also be explained that the subject of labour inspection receives only partial treatment in the present Report. In view of the fact that item II on the agenda (Labour Policy in General,

including the Enforcement of Labour Measures) deals with various aspects of the enforcement of labour law in the Far Eastern region, with particular reference to the question of labour inspection, it has been thought appropriate that the international standards embodied in the Recommendation on labour inspection which was adopted in 1923 should be analysed in the report on that item.

The main purpose of item III is to provide the present Conference with a basis of discussion for drawing up a progressive programme of action in the countries concerned in relation to the standards embodied in the International Labour Code. The realisation of such a programme implies three distinct stages: first, the precise definition of the standards to be aimed at; next, the careful evaluation of the legislation already in existence in relation to these defined objectives; thirdly, decisions regarding the character and timing of the measures necessary to reach the proposed goal.

The first of these stages is covered by the existence of the International Labour Code. The second step requires a precise knowledge of the relevant national laws and of the manner in which they are applied. The final stage involves questions of high policy.

The primary object of the present Report is to deal with the first two stages of the process mentioned above, and for this purpose an attempt has been made to call attention to existing labour standards in the Asiatic region in the light of the corresponding standards embodied in the Code. The third stage is naturally a matter for the Governments and other national authorities responsible for the framing of policy, and such action must necessarily be based upon an accurate appraisal of the climatic, sociological, and economic factors which are peculiar to the region.

The unceasing effort required to ensure that labour laws are properly enforced in the existing conditions in Asiatic countries and the difficulties to be surmounted in such enforcement are widely appreciated. But it has to be pointed out that the incorporation of labour laws in the Statute Book is merely a preliminary to the implementation of an effective labour policy; not until adequate steps are taken to

laws be regarded as of sufficient importance for purposes of international comparison, since laws which exist only on paper obviously cannot be placed on the same footing as those which, although less extensive in scope, are fully applied.

The International Labour Organisation can also play a useful part in the establishment of satisfactory labour codes in Asiatic countries by placing its resources and its experience of over a quarter of a century at the disposal of the countries of Asia. In particular, the International Labour Office is ready to help the Governments concerned to assemble data relating to the various subjects covered by the Code, not only in the Far Eastern region, but also in other parts of the world. The Office could also, if requested, advise on the drafting of the necessary legislation to implement policy and assist by providing the national authorities with information on the subject of labour law administration as it has evolved in countries where industrial development has reached a more advanced stage.

The Office trusts that the discussion at the Preparatory Conference will lead to a clearer understanding of existing standards in the Far Eastern region and of the possibilities of further progress. The Report has been so arranged as to group in separate chapters the main subjects dealt with in the International Labour Code, with an indication at the beginning of each chapter of the Conventions and Recommendations which deal with the subject covered. No attempt has however been made to compile an exhaustive list of the relevant national laws and regulations, but attention is called to existing standards, primarily for purposes of illustration.

It should be added that the Report was communicated in proof to the Governments of Asiatic countries which will be represented at the New Delhi Conference. A mission of officials of the Office also visited several of these countries with a view to having the information in the draft verified and amplified through discussion with local officials, in accordance with a proposal made by the Director-General, and approved by the Governing Body, of the International Labour Office. The observations made by the local officials have been taken into account as far as possible in

preparing the Report for publication, and the valuable assistance they have given in making the facts and figures mentioned in the Report accurate and up to date is hereby gratefully acknowledged.

Mention should also be made here that the Asian Relations Conference, which was convened by the Indian Council of World Affairs, and met in New Delhi in March-April 1947 with delegates from over 25 Asiatic countries participating, recommended the formulation of fair labour standards, with the standards laid down in I.L.O. Conventions as a basic minimum.

Many of the countries of the Far Eastern region are on the threshold of far-reaching changes, not only in the political sphere, but also in the matter of economic and social advancement. Official pronouncements of national policy make it abundantly clear that these countries are determined to endeavour to raise the standard of living of the masses of their people through economic development. The concrete measures necessary to translate such policy into practice will be a matter both of long-term planning and of day-to-day action by the national authorities concerned in the light of hard realities. But it seems relevant to call attention to the principle laid down in the Declaration of Philadelphia that economic and financial policy should take account of social objectives. The formulation of such objectives must be undertaken by the various countries themselves, but the occasion of the Preparatory Asiatic Regional Conference will provide an opportunity for a useful exchange of views. Frank discussion of existing levels in the light of agreed international standards would be an invaluable preliminary to the international co-ordination of social policies and mutual assistance between various countries. To facilitate such discussion is the purpose of the present Report.

The International Labour Office is indebted to the Government of India for the facilities which it provided for the printing of this Report, and to the Manager and staff of the Government of India Press, Simla, for the particular care they bestowed upon the work.

CHAPTER I

EMPLOYMENT AND UNEMPLOYMENT

No.	Conventions	No.	Recommendations
2.	Unemployment	1.	Unemployment
29.	Forced Labour	35.	Forced Labour
34.	Fee Charging Employment Agencies		(Indirect Compulsion)
50.	Recruiting of Indigenous Workers	36.	Forced Labour (Regulation)
64.	Contracts of Employment (Indigenous Workers)	42.	Employment Agencies
65.	Penal Sanctions (Indigenous Workers)	46.	Elimination of Recruiting
		70.	Public Works (International Co-operation)
		31.	Public Works (National Planning)
		56.	Contracts of Employment (Indigenous Workers)
		71.	Employment (Transition from War to Peace)
		72.	Employment Service
		73.	Public Works (National Planning)

The problems involved in assuring suitable employment to all workers have led to the adoption by the International Labour Conference of a number of Conventions and Recommendations, which may be broadly divided into those concerning employment offices, those dealing with the recruiting of certain types of labour under equitable conditions, and those aiming at the reduction of unemployment through well-planned public works

EMPLOYMENT OFFICES

The International Labour Code contains a number of provisions in respect of employment offices. Convention No 2 concerning unemployment, adopted in 1919, provides for the establishment of free public employment agencies and for the appointment of committees composed of employers' and workers' representatives, to advise on the func-

tioning of these agencies. Convention No. 34 concerning fee-charging employment agencies (1933) provides for the abolition of such agencies conducted with a view to profit and for the supervision of those not conducted for profit. The following Recommendations deal also, in full or in part, with public employment offices: No. 1, concerning unemployment (1919); No. 42, concerning employment agencies (1933); No. 71, concerning employment organisation in the transition from war to peace (1944); and No. 72, concerning the employment service (1944). They aim at the best possible organisation of industrial, agricultural and other employment and suggest a number of concrete steps to this end.

A variety of legislative measures adopted by countries in the Far Eastern region are in line with the objectives of the above-mentioned Conventions and Recommendations.

In China, a beginning was made during the war with the organisation of employment offices. The Ministry of Social Affairs promulgated in 1942 Provisional Rules respecting employment services directed by the Ministry of Social Affairs and Regulations respecting services conducted by farmers' unions, trade unions, chambers of commerce, and other recognised trade associations. These measures, however, were to be provisional in character and subject to subsequent revision. All such employment services were required to furnish particulars of their location, activities, and sources of revenue on forms drawn up by the Ministry and to obtain certificates of registration. They were to deal with both skilled and unskilled labour, and in addition to their placing activities, to enquire into the manpower situation, to regulate the demand for and supply of skilled workers, and to provide vocational guidance and vocational training facilities. They were also required to submit monthly returns on their activities for the information of the Ministry. They might, where necessary, charge a placement fee not exceeding one half of the first month's wages or salary of the applicant, to be shared equally between him and his employer, but were prohibited from accepting any other payment from another party. Provision was also

made for special recognition to be accorded to services which were run efficiently. In July 1944, the Ministry of Social Affairs took under its direct control the organisation of placement services in Chungking; in February 1946 it established services in Shanghai, and in October 1946 in Tientsin and Hankow. The Ministry is planning to set up more directly controlled services in the principal industrial centres in order to meet the needs that are expected to arise. The placing services are reported to have made substantial progress. Their nature and activities are becoming better known, and both employers and workers are using them. A weekly bulletin of information, known as the *Employment Service News*, has been issued since the spring of 1945.

In 1943, as a result of the war, the Government of India established a network of employment offices for certain classes of labour, principally technical personnel, which dealt with the registration and placing of unemployed technicians. Local employment committees, consisting of two representatives of employers, two of workers, one provincial Government representative, and one Army representative, were also set up to advise on all questions concerning placement. To cope with the imminent problems of the transition from a wartime to a peacetime economy, the Labour Department of the Central Government circulated to all provincial Governments a "Scheme for the Resettlement and Employment of Demobilised Service Personnel" and stressed the necessity for central direction and control of the resettlement and employment organisation. This scheme, which is based on the principles embodied in the Employment (Transition from War to Peace) Recommendation (No. 71) adopted by the International Labour Conference in 1944, has led to the establishment of a co-ordinated system of employment offices, consisting of one central, 9 regional, and 60 subregional offices designed to provide an efficient machinery capable of bringing together employers needing workers and workers seeking employment. To train the managerial staff required for work of such a highly specialised character, the Labour Department imported experts from the United Kingdom to

help in setting up and conducting a staff training centre, which has trained not only Central Government officials but also nominees of Indian States, of trade union organisations, and of the Governments of Burma and Ceylon. Some foreign countries, notably Burma, China, and the United States, have evinced keen interest in the training programme. The employment offices deal with demobilised service personnel and discharged war workers. The interpretation of the latter term has been left to the discretion of the provincial Governments concerned, and in some provinces, *e.g.*, Bengal and the United Provinces, it has been extended to cover all categories of employment seekers. Since industrial labour was employed during the war mainly on war production, such labour is covered by the term "discharged war workers". Agricultural labour does not for the present come within the scope of the employment offices.

The Unemployment Convention (No. 2) was ratified by India in 1921 on the basis of the Indian famine relief system, which was designed to provide against the effects of possible unemployment. It was thought at that time that the creation of free public employment agencies in India was unnecessary, since the demand for industrial labour had for long exceeded the supply. In the Committee of Experts on the Application of Conventions, at the Conference and elsewhere, there was criticism of the adequacy of the provincial Famine Codes to ensure full compliance with the terms of the Convention. The Government of India denounced the Convention in 1938 on the ground that, under the Government of India Act, 1935, the responsibility for both legislation and administration in respect of unemployment had passed to the provincial Governments. An amendment to this Act adopted in 1946 provides that for a period up to five years the Indian legislature shall have power to make laws with respect to "unemployment among persons who have been serving during the present war in the Armed Forces of His Majesty or of any Indian State and, so far as relates to the rehabilitation of disabled persons and the setting up and carrying on of labour exchanges, employ-

ment information bureaux and retaining establishments for persons whether disabled or not (and) unemployment among other persons who have been serving or have been employed in connection with the present war". It is under this legislation that the present system of employment offices has been brought into being and it is understood that before the end of the period of the scheme, i.e., five years, the position will be reviewed in consultation with the provincial Governments and a decision taken regarding the transfer of the regional sections of the organisation to the provinces concerned, the retention of the Central Section of the organisation as a co-ordinating body, and their inter-relationship. All provincial Governments have accepted the scheme in principle and placed the services of their senior officers at the disposal of the Central Government as regional directors of resettlement and employment, ensuring thereby close collaboration between the Central and provincial Governments. It might be useful to consider how far the system now existing in India is in harmony with the requirements of the Unemployment Convention (No. 2).

In Burma, the Government has set up a Resettlement and Employment Organisation in the Directorate of Labour. An employment office was opened in Rangoon in September 1946, and it is intended to extend the system to other industrial centres. Registration has so far been confined to skilled and semi-skilled workers, both men and women, and the managerial and supervisory staff have been trained in India; staff are also being sent to the United Kingdom for training.

In Ceylon, unemployment has for many years been a particularly acute problem in urban centres. An employment office was opened in Colombo in 1938, and 18 placement offices were established in the rest of the island in September 1945 (subsequently reduced to 14). A separate women's employment office has been set up, and there is co-ordination with the employment bureau of the Ex-Servicemen's Association. No provision is made for an advisory body of employers' and workers' representatives. There are no fee-charging employment agencies except those catering for domestic servants; legislation is being drafted for

the supervision and control of these agencies. The Government has taken various steps giving effect to the provisions of Recommendations Nos. 71 and 72, more particularly with regard to the re-employment of ex-servicemen.

In Indo-China, free employment offices were opened in Saigon and Hanoi in 1929, but they were intended mainly for the placing of ex-servicemen and French civilians. In 1937, their services were extended to the Indo-Chinese population. It was decided that offices should be opened at all centres where there was a need for them. The offices are subordinate to the local labour inspection authorities.

The economic depression of the early 'thirties led in Indonesia¹ to the creation of a Central Employment Office for co-ordinating the work of placing persons in search of employment. Its operations were financed by Government subsidies, grants, and annual supplementary contributions. The activities of the Office related chiefly to urban centres, and the development of branch offices for outlying centres was not deemed necessary.

In Malaya², a committee formed in Kuala Lumpur during the depression, for the purpose of helping unemployed young Europeans, opened 6 branch offices in various parts of the country.

In Singapore, since the end of the war, an employment office for all types of employees has been set up by the Labour Department.

Australia has recently nationalised its placement services and there would appear to be no further difficulty in the way of ratification of the relevant portions of the International Labour Code.

New Zealand has ratified Convention No. 2.

In reply to a questionnaire addressed to them by the International Labour Office in 1945, the Governments of Australia

¹ The term Indonesia as used in this Report refers, unless otherwise specified, to the territory of the former Netherlands Indies.

² The Malayan Union, for convenience referred to as Malaya in this Report, was created on 1 April 1946 and comprises the former Straits Settlements, with the exception of the present colony of Singapore, and the former Federated and Unfederated Malay States. Where the information given relates to the period before 1 April 1946, the term Malaya refers to the territory of the Malayan Union and Singapore taken together.

lia, Burma, France, the United Kingdom, India, and the Netherlands pronounced themselves unanimously in favour of the broad principle of free public employment offices in all their territories. The further gradual implementation of this principle in the Far Eastern region will answer an urgent need and would appear to meet with no insuperable obstacles anywhere, particularly since in most cases important initial steps, such as those described above, have already been taken.

RECRUITING AND CONTRACTS OF EMPLOYMENT

The International Labour Conference has adopted a number of texts designed to protect the conditions of engagement of workers in non-metropolitan territories. The instruments in question may conveniently be subdivided as applying to circumstances where the workers do or do not enter employment of their own free will. The latter case will be discussed in the following section. Two Conventions and three Recommendations apply to the former contingency.

They are Conventions No. 50, concerning the regulation of certain special systems of recruiting workers, and No. 64, concerning the regulation of written contracts of employment of indigenous workers, adopted in 1936 and 1939 respectively; Recommendations No. 46, concerning the progressive elimination of recruiting, No. 58, concerning the maximum length of written contracts of employment of indigenous workers, and Articles 9 to 15 in Recommendation No. 70, concerning minimum standards of social policy in dependent territories, adopted in 1936, 1939, and 1944 respectively. In essence, the standards contained in these texts require that long-term contracts of employment shall be written and subject to close Government control with a view, in particular, to safeguarding the freedom of the worker; similar action must be taken in the case of recruiting operations for obtaining the labour of persons who do not spontaneously offer their services.

Considerable improvements have occurred during the last quarter of a century in the methods of recruiting workers

in the Far Eastern region, as is shown by a general review of the situation in this region.

While the United Kingdom has ratified the above Conventions, the recent war has retarded the strict application of the relevant terms of the International Labour Code in such territories as Ceylon and Malaya.

In Ceylon, the Administration Report of the Commissioner of Labour for 1944 stated that "the draft Bill to give effect to this Convention (No 50) in Ceylon had not been completed during the year". Previous legislation covered only the recruiting of Indian immigrant labourers. While neglect of protective measures for Ceylonese workers might appear a deficiency, in fact the small number of this group who are recruited for employment has resulted in there being but slight need for regulatory legislation. In preparing the legislation to implement the Convention, certain difficulties have been encountered in regard to the running of private servants' agencies. Written contracts of employment are regulated by the Service Contracts Ordinance and the Estate Labour (Indian) Ordinance. Legislation to give effect to Convention No. 64 and Recommendation No. 58 is being prepared, but a difficulty has arisen with regard to the adoption of a suitable definition that will cover the large body of Indian workers who can be regarded as having been assimilated to the indigenous population. Action is also being taken to give effect to Articles 9-13 in Recommendation No. 70.

In Indo-China, recruiting developed after the First World War, and remained in the hands of professional agents, subject, however, to increasing Government control. In 1927 a Decree, subsequently amended on several occasions, introduced regulations defining the conditions of employment of Asiatic contract labour recruited for agricultural, industrial, and mining undertakings. Contracts may be concluded for not more than three years and can be renewed for one, two, or three years; their conclusion and renewal must take place before the competent authorities. Most of the contract labour came from Tonkin, where an Immigration Office was set up to be responsible for supervising the re-

recruiting operations and the health of the recruited workers. Owing to the cessation of this recruiting, the office was recently closed, but since some of the workers already recruited have renewed their contracts, they remain subject to the regulations and are under the protection of the local labour inspection authorities. Since 1943 their minimum wage has been fixed annually by a special committee. In 1936 similar regulations were issued respecting the conditions of employment of Asiatic non-contract labour in industrial, commercial, and mining, but not agricultural, undertakings. These regulations are based on French law on the hiring of services by written or oral contracts, which are not registered, and they introduced in Indo-China the main provisions of Book I of the French Labour and Welfare Code, adjusted to local conditions. The duration of the contract is not specified and either party may give notice to terminate it at any time. All free Asiatic workers who are not French citizens are required, however, to possess a work book before entering a written or oral contract of employment. In Cochin-China, the work book must be countersigned by the local police authorities. In 1942 regulations were adopted in Cochin-China for the protection of free labour employed in agricultural and forestry undertakings. The general trend is towards an increase in the number of free workers and a decline in that of contract workers.

Measures have been adopted in Indonesia to put into force certain provisions of Convention No. 50. Professional recruiting on a commission basis was abolished in Java in 1930. In 1936, Government control over recruiting was extended to free workers, whereas heretofore this provision applied only to "penal sanction" labour. This extension did not, however, include workers in higher grades than those of coolies or craftsmen, or the recruiting of Javanese for service in Java, or recruiting in the Outer Provinces. A Bill before the Volksraad in 1942 would have, if adopted, extended protection to recruiting in the Outer Provinces. It proposed to cover all immigrant workers, with the exception of those employed in undertakings declared to be outside the scope of the Ordinance or workers exempted from its provisions.

cation by reason of the shortness of their contract, or long establishment in the district of employment or other special reasons. In addition to greatly extending control over recruiting, the proposed legislation provided for the establishment of a labour emigration system which, as recruiting would play a minor role, would anticipate the elimination of labour recruiting. Certain Immigrant Labour Regulations for the Outer Provinces which were prepared in draft in 1942 base the duration of a contract on whether the worker is recruited for employment inside or outside the residency where he lives. If the former, the maximum period is one year; if the latter, the maximum is three years. Javanese workers recruited for service outside Indonesia are required to conclude written contracts of hire and service, except when they are engaged to work in Malaya. It would appear from the foregoing that application of the provisions of the Contracts of Employment Convention in Indonesia should not present serious difficulties.

In Malaya, where most of the recruited labourers come from India, the Indian Immigration Act of 1922 and subsequent legislative measures apply. The recruiting of Indian workers is in the hands of the Indian Immigration Committee, whose activities are regulated by law and which is headed by a public official, the Commissioner for Labour. Medical inspections are provided for, and those labourers who do not appear to be physically fit receive treatment and are sent back to their villages, the expenses being met partly by the Indian Immigration Fund and partly by the Government of the Malayan Union or Singapore, as the case may be. In effect, the recruitment of Indian labourers is becoming less and less important because of the increasing number of non-recruited workers. In 1938 all emigration of unskilled labour from India to Malaya was suspended. Labour agreements under contract are normally oral and may not be entered into for a period exceeding one month, except in the mining industry, where the maximum period provided by law is six months. On expiration, the agreements are deemed to be continued on the same terms. The length of notice is a matter for arrangement

between the employer and the employee, but if no such arrangement exists, it is deemed to be one month. Either party may terminate the agreement without notice upon payment of the wages which would have accrued during the period of notice.

In Pacific areas of plantation and mining employment, the recruiting and contract systems have for the most part been retained. Progress has chiefly taken the form of closer Government control. In Fiji, the contract system has disappeared, and in Western Samoa the cessation of Chinese contract labour has been decided upon. In the New Hebrides, the British undertaking employed only indigenous labour, while the French resorted to contract labour brought in from the outside. In 1945 all immigrant contract labourers were released and allowed to work as free residents, and regulations for their protection were adopted. Similarly, in New Caledonia, immigrant workers with two-year contracts were allowed to work as free residents under conditions defined in regulations adopted in 1945. In the British Solomon Islands, the maximum duration of contracts of employment was for two years.

In New Guinea, where the labour force steadily increased during the 'thirties, important measures were taken by the administration to control conditions of recruiting and employment under the contract system. The elimination of professional recruiting has, in fact, been called for by the Australian Minister for External Territories, who indicated in the House of Representatives on 19 July 1945 that the recruiting system had not eliminated bribery, coercion and misunderstanding. It appears that the Government of Australia is directing its attention to the prevention of the pressure on workers which has accompanied recruiting operations among primitive peoples and against which the provisions of the International Labour Code are directed.

PENAL SANCTIONS AND FORCED LABOUR

The International Labour Code contains certain provisions relating to workers who have not entered employment of their own free will or who are being punished for breaches

in the carrying out of a contract of work. The texts in question are Convention No 29, concerning forced or compulsory labour, and No 65 concerning penal sanctions for breaches of contracts of employment by indigenous workers, adopted in 1930 and 1939, Recommendations No 35, concerning indirect compulsion to labour, and No 36, concerning the regulation of forced or compulsory labour, both adopted in 1930, as well as Articles 7, 8, and 16 in Recommendation No 70, concerning minimum standards of social policy in dependent territories, adopted in 1944.

The standards embodied in these instruments provide, essentially, that, pending the abolition of forced labour, the responsible administrations shall prevent its use for private profit, shall restrict forced labour for public works to tasks of essential necessity, shall provide for the protection and welfare of any worker so employed, but may permit traditional communal co-operation for local needs subject to public control. Penal sanctions for breach of the contract of employment must be abolished, immediately in the case of non-adults and progressively in the case of adults.

A number of countries, including Australia, France, the United Kingdom, the Netherlands and New Zealand, have ratified Convention No 29 but only the United Kingdom has so far notified acceptance of Convention No 65. However, laws and regulations exist in most of the territories of the Far Eastern region which are in accordance with the spirit, if not the strict letter, of this section of the International Labour Code.

In 1936 it was stated in the Indian Legislative Assembly that the Central Government had obtained from the provincial Governments information on the forms of forced labour occurring in the various provinces. Wherever these appeared to fall within the definition of forced or compulsory labour prohibited by the Convention, the Government of India had requested the provincial Governments to see that, if such labour could not immediately be abolished, it was restricted to the narrowest possible limits and abolished as soon as practicable, and in the meantime to regulate it as required by the Convention. Since then various provincial Governments,

e.g., Bengal, Bombay, the Central Provinces and the United Provinces, have adopted measures in line with the above suggestion. It is understood that the Government of India is at present considering the appointment of an enquiry committee on the subject of forced labour. So far as the legal aspect is concerned, the Criminal Tribes Act appears to constitute the greatest hurdle in the way of the ratification of Convention No. 29. From a practical point of view the question is primarily one of enforcement of orders by provincial Governments to prohibit forced or compulsory labour.

In Ceylon, penal sanctions in the case of Indian labourers have been abolished since 1921. No forced labour is being exacted, but there are cases of indirect compulsion of persons who render services for limited periods during the year in return for tenancy of certain lands.

The abolition of forced labour has made progress in Indo-China. The exceptional case of an agreement between the Government and a transport company providing for the supply of labour by the Government came to an end in 1937. Local *corvées* in advance areas had at an earlier period been largely transformed into taxes, but remained as a local obligation in some areas, as did certain services for chiefs. But as regards public services exacted by the European administration, Orders of 1932 and subsequent practice limited forced labour to portage in remote mountainous districts. Penal sanctions for a number of offences exist in the legislation of Indo-China. The offences are grouped in two classes and provide for both fines and imprisonment for one to five days.

Up to the end of 1941 the situation in Indonesia was that the owners of the "*particuliere landerijen*" were permitted to exact labour dues from the inhabitants of their estates and that in the Outer Provinces (beyond Java and Madura) the system of "*heerendiensten*" existed, by which public works were performed as a tax obligation. The *particuliere landerijen* were estates in West Java which had been ceded to private owners a century and a half ago, together with the existing feudal rights to exact labour from the people.

tion For many years the Government had been endeavouring to bring an end to this system by the repurchase of the estates, but the economic depression interrupted this process. In 1935, however, a public utility company was set up for the buying and managing of the estates, and the profits were to be used for further purchases. Up to 1939, the Netherlands Government reported to the International Labour Office the repurchase by the company of a number of estates and the consequent suppression of forced labour for the private owners. The labour imposed for local public services in the form of *heerendiensten* remained important in the Outer Provinces up to the outbreak of the Japanese War. In 1941, however, an Ordinance was adopted, to come into effect on 1 January 1942, providing for the substitution of a tax as a transition measure between the system of *heerendiensten* and a fully developed system of public works.

While penal sanctions in Java were abolished as early as 1879, they were long retained for workers recruited in Java for the Outer Provinces under the penal sanction contracts. The Coolie Ordinances enumerated certain offences constituting a breach of contract and subject to penalties of imprisonment or fines. Chinese labourers in Banka and Billiton were covered by almost identical provisions. It was the purpose of the Coolie Ordinance, as amended in 1931 and 1936, to provide for the gradual abolition of penal sanctions. This was, in fact, accomplished on 14 November 1941, when the employment of labourers in Indonesia under contracts containing penal sanctions was prohibited.

Reports by the United Kingdom Government to the International Labour Office have indicated that forced labour was exacted, before the war, in North Borneo, and that penal sanctions were resorted to in the Western Pacific High Commission territories.

In Fiji, new legislation is to be enacted shortly to repeal the existing laws which condone penal sanctions.

In New Caledonia, where a series of Orders had limited the possibilities of using forced labour, a Decree of 11 April 1946 abolished such labour altogether. Penal sanctions are still permitted in theory both in New Caledonia and in the

French Establishments of Oceania, but in practice all immigrant contract labour has been freed.

In the territories administered by Australia the only forms of forced labour permitted were under the New Guinea Native Administration Regulations, 1924 and 1925, and the Papua Native Administration Regulations, 1931. In New Guinea, compulsion was limited to the cultivation of food crops as a precaution against famine. In Papua, it was limited to portage for the Government for a maximum of 31 days in the year and to the planting of coconuts and certain road maintenance work. The Australian Government delegation to the 27th Session of the International Labour Conference (Paris, 1945) declared that the Commonwealth had taken measures to abolish long-term penal sanction labour, and that it attached importance to the labour policy which it was pursuing in New Guinea and Papua, and to the establishment of international principles on similar lines. It is understood that the Governments of Australia and New Zealand are giving consideration to the early ratification of the Conventions dealing with indigenous labour.

Under Recommendation No. 70, all Governments are asked to consider anew the possibility of taking similar action, and Asiatic countries will, in view of the considerable legislative progress they have already achieved, no doubt examine carefully the possibility of taking additional measures in order to ensure fuller compliance with the relevant standards of the International Labour Code.

PUBLIC WORKS POLICY

The International Labour Conference adopted in 1937 and 1944 two Recommendations, Nos. 51 and 78, concerning the national planning of public works, and in 1937 Recommendation No. 50, concerning international co-operation in respect of public works. The former two texts put forward principles for the planning of public works, both for long-term policy and for the special conditions of the transition period. Both China and India have drawn up develop-

ment plans involving large expenditures on public works,¹ and Australia has adopted a policy along the lines recommended.

Recommendation No 50 provides mainly for the transmission of information to the International Labour Office in accordance with a uniform plan, and for co-operation in the work of the International Development Works Committee. The Government of China has indicated its willingness to apply this Recommendation and is consequently a member of the Committee. Although the Recommendation has not been applied in Ceylon, the Government has stated that this country would willingly co-operate by transmitting any information which the I.L.O. requires. Other Asiatic countries, however, have not yet sent in any such communication.

Notwithstanding the pressing preoccupation of the war, post-war reconstruction received considerable attention from the Chinese authorities during the war. In September 1943, the Central Executive Committee of the Kuomintang adopted two resolutions, one recommending the formulation by the Central Government of a plan for industrialisation, with due regard to the preservation of handicrafts and the promotion of exports, and the execution of the plan by well-defined stages; and another resolution, recommending close co-operation with other friendly nations in the promotion of industry and the removal of certain existing restrictions in respect of the employment of foreign capital or technical personnel. In a statement made in 1943, the Chinese Minister of Economic Affairs announced a number of specific production goals for the development of heavy and light industries, mining, food production, and transportation by water and rail. These objectives were to be achieved through the enforcement of two successive 5-year plans of reconstruction.

Fairly full and detailed schemes for the development of the national resources have been drawn up by the authorities in India. The Central, provincial, and Indian States Governments set up at an early stage in the war special committees for post-war reconstruction, and financial provision for the execution of these projects was also made during the war. Substantial progress has been achieved

in the co-ordination of the various plans, which generally provide for the training and expansion of the staffs required, hydro-electric and industrial development, as well as the development of transport and communications, agriculture, including irrigation, land reclamation, afforestation, soil preservation and fisheries, and the extension of the social services, such as public health, public instruction, and housing. The somewhat unexpectedly early end of the war in the Far East led the authorities to revise the plans for the first 5-year period after the war with a view to the immediate enforcement of some of the projects in order to counteract any deflationary tendencies consequent upon the cessation of large-scale military expenditure.

In Ceylon, unemployment relief works have been in existence on a considerable scale since their inception in 1931. Land reclamation was the principal project upon which workers were engaged. The cost of relief projects was initially borne by joint contributions from the local and central administrations, but later the central Government assumed full financial responsibility. Immediately after the cessation of hostilities, instructions were issued by the Government for restarting work on schemes which were suspended during the war years and for intensifying work on others, so that unemployed workers could be absorbed into them. The principal projects are the hydro-electric scheme, the university project, and a multitude of irrigation works. In the Town and Country Planning Ordinance, No. 46 of 1946, provision has been made for the creation of a National Planning Commission to regulate the development of land and to make schemes for the clearance of slums and the erection of workers' houses. It has been the practice to recruit workers for public works through the employment offices, and all Government departments have been instructed to resort to the employment offices in the first instance. The Commission on Social Services, which was appointed in 1944 and issued its report in February 1947, has recommended that the Government should adopt a policy which would diminish expenditure on public works during a boom and increase it in a depression.

When, in 1938, unemployment was comparatively severe in Malaya, the Federated Malay States applied a programme of public works. It relieved the situation, but did not succeed in providing employment for all

It may be expected that the planning of national and regional public works will assume increasing importance in the general economic development of the countries of Asia. In this process the principles set forth in the International Labour Code may provide valuable guidance regarding the national and inter-State planning and execution of such projects

CHAPTER II

CONDITIONS OF WORK

No	Conventions	No	Recommendations
1.	Hours of Work (Industry)	7	Hours of Work (Fishing)
14.	Weekly Rest (Industry)	8	Hours of Work (Inland Navigation)
20.	Night Work (Bakeries)	18	Weekly Rest (Commerce)
26.	Minimum Wage Fixing Machinery	21	Utilisation of Spare Time
30.	Hours of Work (Commerce and Offices)	30	Minimum Wage Fixing Machinery
43.	Sheet-Glass Works	37.	Hours of Work (Hotels, etc)
46.	Hours of Work (Coal Mines)	38	Hours of Work (Theatres, etc)
47.	Forty Hour Week	39	Hours of Work (Hospitals, etc)
49.	Reduction of Hours of Work (Glass-Bottle Works)	47	Holidays with Pay
51	Reduction of Hours of Work (Public Works)	63.	Control Books (Road Transport)
52.	Holidays with Pay	64	Night Work (Road Transport)
61.	Reduction of Hours of Work (Textiles)	65	Methods of Regulating Hours (Road Transport)
67.	Hours of Work and Rest Periods (Road Transport)	66	Rest Periods (Private Chauffeurs)

Protective labour legislation must necessarily give primary attention to the basic conditions under which men and women earn their daily bread. The standards embodied in the International Labour Code relate, therefore, in considerable part to the conditions of work, either as prevailing for all those engaged in industry, trade and agriculture, or as applied to certain groups of workers in special need of protection because of their age, their sex or the nature of their employment. The present chapter is concerned with the former category, while succeeding parts of the Report will deal with the other groups mentioned.

In Asiatic countries of the Far Eastern region, non-agricultural pursuits still play a secondary, though increasingly

important role in the national economy. Industrial organisation is still in its early stages. The survey below will attempt to give some indication of the results so far achieved by the various countries in relation to the provisions of the International Labour Code, so far as the regulation of conditions of work in industry are concerned. Conditions of work may, for this purpose, be treated under five headings: hours of work, weekly rest, holidays with pay, wage-fixing machinery, and utilisation of spare time.

HOURS OF WORK

In proposing limitations of hours of work, the International Labour Conference was often faced with the question of defining their scope of application. This problem was met by separate instruments for special industries whenever general application proved impracticable. Three Conventions are concerned with industry and trade as a whole: Convention No. 1, limiting the hours of work in industrial undertakings to 8 in the day and 48 in the week, adopted in 1919; No. 30, concerning the regulation of hours of work in commerce and offices (1930); and No. 47, concerning the reduction of hours of work to 40 a week (1935). The first two instruments provide for a 48-hour week, subject to specified exceptions, the third is a general statement of principle, to be implemented by subsequent international agreements. From the viewpoint of the present Conference, Articles 10 and 11 of Convention No. 1 are of particular interest in that they permit a 60-hour week for India, applicable to workers covered by the Factories Act, in mines, and in specified branches of railway work, and specifically exclude China and Siam from the scope of application of the Convention; it is stipulated, however, that hours of work in the two latter countries shall be considered by the Conference at a later date.

A number of other texts relate to hours of work in certain definite categories of undertakings: Conventions No. 20, concerning night work in bakeries (1925); No. 43, for the regulation of hours of work in automatic sheet-glass works

(1934), No 46, limiting hours of work in coal mines (1935); Nos. 49, 51, and 61 concerning, respectively, the reduction of hours of work in glass-bottle works (1935), on public works (1936), and in the textile industry (1937), and No 67, concerning the regulation of hours of work and rest periods in road transport (1939), and Recommendations No 7, concerning the limitation of hours of work in the fishing industry (1919), No 8, concerning the limitation of hours of work in inland navigation (1920), Nos 37, 38, and 39, concerning, respectively, the regulation of hours of work in hotels, restaurants and similar establishments, in theatres and other places of public amusement, and in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit (1930); Nos 63, 64, and 65, concerning, respectively, individual control books, the regulation of night work, and the methods of regulating hours of night work in road transport, and No. 66, concerning rest periods of professional drivers of private vehicles (1939). Because of their specialised nature, the standards set in these sections of the International Labour Code vary considerably from industry to industry.

The Chinese Factory (Consolidation) Act, 1929 and 1932, provides in principle for a working day of 8 hours for adults, but permits extensions in case of natural calamities and emergencies, provided that the total working hours do not exceed 12 per day with a maximum of 46 extra hours per month. In a "Labour Policy Draft" adopted at the First National Social Administration Conference, held in October 1942, the objective of an 8-hour day and a 48-hour week was reaffirmed, and again, at a general meeting of representatives of local labour unions and Government officials held in Shanghai in May 1946, the Minister of Social Affairs mentioned among the points which formed "the fixed labour policy of the Government.... the 8-hour day system as a principle to be realised".

India has ratified the Hours of Work (Industry) Convention and is applying it through the Factories Act, 1947, as amended. Under this legislation the maximum hours of work in perennial factories have been reduced from 48

to 48 hours a week and 9 a day; this reduction was established by a recent amendment which came into force on 1 August 1946. Hours in seasonal factories (working less than 180 days in the year) are fixed at 50 a week and 10 a day. Overtime is to be paid at twice the ordinary rate of pay. Thus the existing practice in India is well in advance of the special provisions concerning that country in the international regulations. The Conference might like to consider whether, in these circumstances, it should make recommendations with a view to revising the special clause relating to India in the Hours of Work (Industry) Convention.

As regards the scope of application of the above legislation, it must be noted that the Factories Act has so far touched primarily large-scale industry, leaving out of account most workshops where less than 10 workers are employed, as well as those not using power. However, certain provincial Governments have, under the enabling powers invested in them, extended the application of the Act to various small-scale undertakings. The rule-making power and the administration of the Act are also in the hands of the provincial authorities, which may grant to any industry exemption from the limitation of hours in case of emergency, in the public interest. No statutory regulations have been adopted by the Central Legislature concerning hours of work in commerce and offices, but legislation has been enacted in certain provinces dealing with conditions of work in shops, restaurants, theatres, etc. The Bombay Shops and Establishments Act, 1939, for instance, limits the hours of work for shops to 9 1/2 in the day; the Bengal Shops and Establishments Act, 1940, imposes a 10-hour limit. Similar legislation is in force in the Punjab, Sind, and elsewhere. The application of the legislation in Bengal, the Punjab, and Sind is restricted to selected urban areas. In each case, the maximum limit of hours exceeds the 8-hour day and 48-hour week laid down in the Hours of Work (Commerce and Offices) Convention.

Among the hours of work fixed for particular industries in India, those in mining are of special importance. A

comparison of the provisions of the Indian legislation with the standards of Convention No. 46 shows that the hours laid down in the former exceed those stipulated in the Convention; for work above ground they are 54 a week and 10 a day, and for work below ground 54 a week and 9 a day. Nevertheless, according to pre-war practice, the miners usually worked only four or five days a week and the maximum hours permitted by law were rarely reached. Further, the 9 hours worked below ground are counted from the moment the first worker leaves the surface until the last worker returns to the surface, so that in some mines the actual hours of work underground are not likely to exceed 8. As to Convention No. 67, concerning road transport, the Royal Commission on Labour, whose report was published in 1931, found that the hours of work of employees of tramway and motor bus services were generally fixed on the basis of an 8-hour day but the actual hours worked by the traffic staff were longer. It recommended that tramway companies should endeavour to restrict working hours to 5½ a week, and that in granting licences for motor buses, the authorities should consider whether in particular cases a limitation of hours was required and, if so, how it should be enforced. While most of the provinces found it neither necessary nor feasible to implement the recommendation, Assam, Bombay, and the United Provinces accepted it, and it has been under consideration by Madras. More generally, the Indian Motor Vehicles Act, passed in 1939, limits hours of work for transport vehicles to 9 in the day and 54 in the week and provides for a rest period of at least half an hour after 5 hours of continuous work. Hotels and theatres, as covered by Recommendations Nos. 37 and 38, are included in the establishments for which hours of work are regulated by the provincial legislation referred to above.

It may be added that measures for the further regulation of hours of work by statute are being considered in the provinces of Madras and the Central Provinces and Berar. In the French Establishments in India, the 8-hour day was established for industrial and commercial undertakings by a Decree of 1937; the detailed application of the Decree

to particular branches of activity is governed by separate Orders, of which there are at present 15 in operation.

In Ceylon, the basic standards in respect of hours of work in shops are contained in the principal Shops Ordinance, as amended in 1940; they set an 8-hour day and a 45-hour week. The extension of these standards to commercial and mercantile offices is under consideration. For factories and industrial undertakings, wages boards are authorised to establish for particular industries or trades a normal working day not exceeding 9 hours inclusive of a one-hour rest period. The boards also have the power of declaring a one-day weekly holiday, which would create a maximum working week of 48 hours. The regulations they have made show, in general, adherence to this maximum; the shortest week noted was 45 1/2 hours in respect of the engineering trades. A 56-hour week can be worked in the plumbago mines under the Wages Board Ordinance, as no weekly holiday has been specified by the board for that industry. Measures for regulating the maximum period of employment underground are, however, in preparation. The wages board for the motor transport trade has fixed an 8-hour day, but with no weekly holiday. Legislation to further the 40-hour week has not yet been enacted, though it is likely to be considered in due course.

Two 1936 Decrees regulate hours of work in industrial and commercial establishments in Indo-China. The hours of actual work of wage-earning and salaried employees may not exceed 8 hours a day, or an equivalent duration calculated over a period other than the day, in industrial, mining and commercial establishments, whatever their nature, whether public or private. Similar provision is made for workers employed underground in mines. At the time the regulations were introduced, it was provided that the reduction of hours of work entailed should not in any case be made a pretext for a reduction of rates of remuneration.

In Indonesia, hours of work and rest days were covered by the Coolie Ordinances for the workers subject to them and with wider effect in an Immigrant Labour Bill prepared in 1942. Both texts provide for a maximum day of

9 working hours, and for a maximum spell of work of 6 hours. Overtime is permitted with the consent of the worker and normally at time-and-a-half rates. Hours of work are also regulated by the Mining Regulations. It is provided that workers may not be caused to remain underground for more than 8 1/2 hours in a day. Extensions of hours are permitted for persons employed in mechanical haulage, for shaft repairers and for other workers to the extent of 2 hours a day, twice a week. In the Outer Provinces the 8-hour day was usual in industrial undertakings before the war. Cases were also reported of the 6-hour work and 6-hour rest system. Hours of work in both Java and the Outer Provinces were governed by the Regulation of Employment in Industrial Undertakings Ordinance. Once again the basic maximum was a 9-hour day. Exceptions could be authorised by decision of the Head of the Labour Office.

According to the Malayan Labour Code, no worker may be required to work more than 9 hours a day.¹ Additional hours are compensated at overtime rates. Such extra work may be demanded by the employer in the case of factories if the necessity arises, but is limited to 3 hours per day. The employer may assign to the workers certain tasks which correspond to the labour accomplished in a day. These tasks can be revised by the Commissioner for Labour, who may indicate the number of days with which the workers in question are to be credited.

In practice, in Singapore, the 8-hour day is standard in virtually every place of employment. Overtime rates of pay, usually at time and a half, are paid for any work done in excess of 8 hours per day.

Legislation in North Borneo, Sarawak and the New Hebrides calls for a 9-hour day.

The Portuguese Native Labour Code also provides that workers may not be compelled to perform more than 9 hours' actual work a day.

The French Acts of 1936 establishing the 40-hour week were extended to European workers in New Caledonia in

¹ In practice, the 8-hour day is prevalent.

1934; in practice, however, a 45-hour week is now being worked. For immigrant workers, no longer under contract, the 1945 regulations fix a 9-hour day, or 8 hours for three shift work.

The legislation in New Guinea prescribes a 50 hour week and a 10-hour day in general employment and in factories, and an 8 hour day in mines. The Native Labour Ordinances of Papua makes provision for a 10-hour day and a 50-hour week.

WEEKLY REST

The parts of the International Labour Code relating to the weekly rest are Convention No. 14, concerning the application of weekly rest in industrial undertakings, and Recommendation No. 18, concerning the application of the weekly rest in commercial establishments, both adopted in 1921, and Article 15 in Recommendation No. 74, concerning minimum standards of social policy in dependent territories (supplementary provisions) (1945). The standard established calls for 24 consecutive hours of rest in every period of 7 days in industrial undertakings.

The Chinese Factory Act and the labour policy draft of 1942, mentioned above, call for one day of rest in seven.

Convention No. 14 reiterates the "national exceptions" relating to India contained in the Hours of Work (Industry) Convention. India has ratified Convention No. 14, and the Indian Factories Act, 1934, which also applies to Burma, provides for a weekly holiday in establishments covered by the Act. As regards legislation relating to commerce, an enabling Act was adopted by the Central Legislature in 1942. Provincial legislation dealing with conditions of work in shops, commercial establishments, restaurants, theatres, etc., adopted in Bombay provides for four holidays a month; a Punjab Act, for one weekly holiday with pay; a Bengal Act, for one and a half days' paid weekly holiday; and a Sind Act for one weekly holiday with pay.

In the French Establishments in India, a weekly rest of 24 hours, given normally on Sundays, was introduced in industry in 1937.

The basic standard for weekly rest for shop workers in Ceylon is 1 1/2 days with pay. In trades covered by the Wages Boards' Ordinance, one full day is the weekly rest customarily prescribed.

In Indo-China, under the 1936 Decrees cited above, a wage earning or salaried employee or apprentice in industrial, mining and commercial establishments may not be asked to work for more than 6 consecutive days. Seasonal industries are exempted from this regulation.

In Indonesia, provision is made for not less than two days of rest per month, in addition to religious holidays. Under the Mining Regulations the number of rest days for workers employed underground may not be less than 52 in the year.

According to the legislation in force in Malaya, no worker may be required to work more than 6 days a week. In practice, it appears that labourers in factories, mines, and plantations work only 5 days a week if the numerous religious holidays and vacations are taken into consideration.

The legislation of Sarawak prescribes the weekly rest period.

Legislation in the New Hebrides and in New Caledonia provides for a weekly day of rest.

A similar provision is found in the Portuguese Labour Code for workers whose contract is made by the month or the year.

In New Guinea, also, a rest period of 24 hours in every seven days is prescribed by law.

HOLIDAYS WITH PAY

Annual holidays with pay are the subject of Convention No. 52 and Recommendation No. 47, which were both adopted in 1936, and of Article 16 in Recommendation No. 74, concerning minimum standards of social policy in dependent territories (supplementary provisions) (1945). Workers in industrial and commercial undertakings are, according to these texts, entitled to an annual paid holiday of at least 6 working days after one year of service; the duration

of the holiday is set at not less than 12 days per year for children under 16 and for persons covered by Recommendation No. 74; agricultural workers are to be treated separately.

The Chinese Factory Act calls for paid annual leave based on the length of service. The gradual enforcement of this principle was reaffirmed in the labour policy draft of 1942.

The Indian Factories Act, 1934, was amended in April 1945 to include a special section dealing with annual paid holidays, which provides for 10 consecutive days for adult workers and 14 for children between 12 and 15 years of age after one year of service. These periods exceed the minima laid down in the International Labour Code, although it will be remarked that the Indian age limit for young persons entitled to the longer holiday is lower than that of the Code. The Indian legislation allows holidays to be accumulated over a period of two years, while there is no provision for this in the Code. The restricted scope of the Factories Act regarding the size of the undertakings it covers, mentioned earlier in this chapter, is compensated in a certain degree by holiday provisions in provincial Acts and by-laws covering other categories of workers, *e.g.*, employees in shops and commercial establishments in Bengal, the Punjab, and Sind, and municipal employees in the Central Provinces and Berar. The provisions of the provincial legislation concerning holidays for employees in shops and commercial establishments are more generous as regards the length of the holiday than the Indian Factories Act or the International Labour Code. The Punjab Act provides for 14 days' leave with full pay for one year of service and 7 days for six months' service; the Bengal Act, for 14 days' leave on full pay and 10 days' casual leave on half pay per year; and the Sind Act, for 15 days' leave with full pay per year.

The 1937 Decree in force for industry in the French Establishments in India provides for 15 days' leave with pay (including 12 working days) for one year's service; the holiday is 7 days (including 6 working days) for not less than six months' service.

Shop workers in Ceylon are entitled under the Shops Ordinance to an annual holiday of 7 consecutive days at full pay. An additional 14 days' leave at full wages may be taken for reasons of private business, ill health or any other reasonable cause. For undertakings under the control of the wages boards, annual holidays up to a maximum of 21 days at full wages may be authorised. This period includes both the annual holiday and special leave. The legislation in Ceylon thus appears to be in general harmony with the International Labour Code provisions in respect of holidays with pay.

In Indo-China, every wage earning or salaried employee in a commercial, industrial or mining occupation or in a liberal profession is, according to the two 1936 Decrees referred to earlier, entitled after one year's employment in the establishment to an annual holiday with pay for a period of at least 10 days in the case of Indo-Chinese workers, and 15 days in that of European workers.

In Indonesia, before the war, a worker's annual holiday included the regular holidays of his religious sect as published every year by the Head of the Labour Office. Wages were paid in many cases for the rest days but the payment of wages for such days was not obligatory. For religious holidays, payment of wages was prescribed.

The authorities in Malaya decided in 1939 to grant Government employees who are paid by the day 12 days' paid annual leave. Similar provisions also exist in other undertakings, and the practice is stated to be spreading.

In Singapore, the authorities now give Government employees 12 paid public holidays per year. The majority of employees outside Government employment are given between 8 and 12 paid holidays per year, and in some cases paid leave is given as well.

In New Caledonia, European workers are entitled under a Decree of 1940 to 12 days' holiday a year, or one day per month of service after the sixth; the same right was extended by an Order of 1945 to immigrant workers no longer under contract.

WAGE-FIXING MACHINERY

A most important factor in the regulation of conditions of work is obviously the remuneration which the worker receives. While it has proved difficult to set definite world-wide wage standards, the International Labour Conference adopted in 1928 Convention No. 26, concerning the creation of minimum wage-fixing machinery, and Recommendation No. 30, concerning the application of minimum wage-fixing machinery, which attempt to promote the statutory establishment of a standard, publicly supervised, procedure for fixing minimum rates of pay through the collaboration of employers, workers, and a third, independent party. Articles 1 to 6 in Recommendation No. 74, concerning minimum standards of social policy in dependent territories (supplementary provisions) (1945) relate also to the determination of wage levels.

China has ratified Convention No. 26 and has enacted legislation to give effect to it; the Minimum Wage Act, 1936, provides that if a competent authority (municipal or district authorities) decides that it is necessary to fix minimum rates of wages for any or all workers in a particular industry, minimum wage boards shall be set up, consisting of representatives of the competent authority, employers, and workers, and one disinterested person appointed by each of the bargaining groups. When a board has given its decision as to wages, this must be communicated to the Ministry of Industry and posted up by employers where workers have access. While prevailing emergency conditions have so far prevented the application of this legislation in China, a progressive recuperation of industry will no doubt permit its gradual implementation.

A Minimum Wages Bill was recently introduced in the Indian Legislative Assembly. It provides for the fixation by provincial Governments of minimum wages for 11 scheduled employments, selected as being those where sweated labour is most prevalent or where the risks of exploitation of labour are great. Additions to the list may be made later, but a longer period of time is allowed for

the fixation of minimum wages for agricultural labour, since the administrative difficulties in this case will be greater. The Bill provides for periodical revision of the wages fixed; for this purpose, the provincial Government concerned will appoint as many advisory committees as it considers necessary to enquire into the conditions prevailing in any scheduled employment, and make recommendations. The provincial Government may also appoint advisory boards for co-ordinating the work of the advisory committees. These boards and committees will have equal representation of employers and workers in scheduled employments.

A tripartite wage committee for home workers in the weaving industry was set up in the French Establishments in India by a Decree of 1937. In other cases a joint committee may be appointed at the request of the parties to negotiate a collective agreement fixing, among other things, minimum rates of wages for each type of work and each region.

In Ceylon, the scope of the law regarding minimum wage standards is broad and may be considered as adequately satisfying the requirements in this regard contained in Convention No. 26. Other provisions as to the number of representatives of employers and workers appointed to wages boards, their approval by the recognised occupational organisations, and the membership of women on the boards are also in accordance with the standards of the International Labour Code. To ensure that employers and workers are informed of the minimum rates of wages in force and that wages not less than the minimum rates are paid, the legislation provides a system of supervision and sanctions which is equally in compliance with the Code. The wages boards are empowered to hold enquiries, to examine persons on oath, and to enforce the production of any relevant document. Their decisions are subject to review by the Minister of Labour, but no provision is made for appeals by employers and workers. The legislation does not implement the proposal for equal remuneration for men and women in respect of equal work performed contained in the Minimum Wage-Fixing Recommendation. Reports on the

minimum wage standards fixed by the wages boards are made to the International Labour Office.

In Indo-China under a Decree of December 1936, compulsory minimum wages must be fixed for free labour in all industrial and commercial occupations. Committees established by the heads of the local administration, and comprising employers' representatives, Indo-Chinese members of the elected assemblies, and the local labour inspector, are called on to meet annually in order to fix the minimum wage rates payable in each region; in case of important changes in the cost of living, the committees may meet in the course of the year also. Piece rates must be set at such a level that they enable a worker of average ability to earn during a legal working day a wage at least equal to the minimum fixed for the region. An Order of 1943 made it compulsory for the heads of the local administration to set up similar committees to fix minimum rates annually for contract labour, and to assess the value of any allowances in kind made by the employer, in the event of its deduction from the minimum.

In Indonesia, debates in the Volksraad during the period from the outbreak of the war with Japan until the islands were occupied suggest that the policy of collaboration between the Government and employers on matters of wages, as practised up to that time, might be superseded by a policy of legal compulsion. There were discussions on the question of placing the control over wages in the hands of five regional wage boards. These boards were to undertake local investigations into wages and living costs in co-operation with employers and workers. In addition, there was to be a central wage board, empowered to fix binding wage norms, with the necessary information for such standards supplied by regular local investigations. None of these proposals was translated into law.

According to the legislation in force in Malaya, the Indian Immigration Committee may from time to time, by notice published in the Government Gazette one month at least before the period under consideration, prescribe, with the

consent of the Governor, the quarterly wage rates payable to Indian workers.

In practice, in Singapore, since the end of the war, there has been no occasion for such action by the Committee, and no wage rates have been prescribed.

The Portuguese Native Labour Code, in addition to guaranteeing minimum wages, accords employers and workers full liberty to enter into special contracts providing for a higher wage than the statutory minimum. Similar provisions apply to Portuguese India and Macao, exceptions being made for differences in local conditions recognised by law.

Legislation establishing machinery for fixing minimum wages or for making minimum wage awards exists also in North Borneo, Sarawak, the New Hebrides, the British Solomon Islands and New Guinea.

The Philippines and certain other countries represented at the Conference also seem to have had some experience with minimum wage regulations, and the present meeting will offer an opportunity to bring the measures taken and the conclusions reached to more general attention.

In this connection it is particularly pertinent to point to the well-developed and efficient system of minimum wage regulation existing in Australia and New Zealand, which give effect to the provisions of Convention No. 26 and most of the terms of Recommendation No. 30. The experience gained in these two countries should be of considerable interest to the other Governments represented at the Conference.

UTILISATION OF SPARE TIME

Reference must also be made in this chapter to Recommendation No. 21, concerning the development of facilities for the utilisation of workers' spare time, adopted in 1921. The aim of this text is to further the steady general improvement of working and living conditions through elimination of the necessity of accepting additional paid work and through advances in social hygiene, housing, education, and other factors which bear on the well-being of the worker.

In 1943 the Chinese Ministry of Social Affairs promulgated administrative regulations stipulating that a welfare society should be established in all factories and mines. The amenities to be provided by the societies must include facilities for study and recreation. Information published in 1945 by the Chinese Association of Labour indicates that among the social services, organised by that body for the benefit of the workers was the establishment of facilities for public instruction and recreation and for the furthering of public health.

The Indian Government first undertook welfare work when it set up the Coal Mines Welfare Fund in January 1944. The Fund carries on anti-malaria work, provides facilities for recreation, and is embarking on a large-scale housing scheme. There is a similar fund for the mica mines. The welfare centres set up by various provincial and State Governments in India usually provide facilities for recreation and study.

The situation in Ceylon indicates that collective agreements drawn up by wages boards, controlling both rates of wages and hours of work, should ensure that workers in the trade in question are able to maintain their living standard without recourse to employment in leisure hours. Urban and rural housing appears to be good, as a result both of the standards laid down by the Government of India for its immigrant labour and of action by the municipalities, such as the Town Improvement Ordinance of the City of Colombo. Other principles of the Utilisation of Spare Time Recommendation still require implementation in Ceylon through legislation.

In Indo-China, workers, where hired under a written contract, are entitled to free housing for themselves and their families. The accommodation furnished must be healthy, sufficient and in accordance with the rules of hygiene. The regulation in question makes a distinction between permanent housing and temporary housing. The latter is usually restricted to large yards. Similar provisions were established in 1942 for the Chinese workers employed in agricultural undertakings in Cochinchina.

Undertakings in Indonesia, and particularly those in the more isolated and outlying regions of the Outer Provinces, frequently adopt measures to promote the welfare of the workers. The recreational facilities reported to be provided by estates include playing fields, the staging of "wajang" and similar performances, cinema shows and the amplification of radio broadcasts. The Labour Inspection Service is empowered to inspect housing accommodation and to compel alterations to be made in unsuitable dwellings. Opportunities for adult education in Indonesia could be usefully expanded in line with the proposals of Recommendation No. 21.

Free clinical, surgical and dispensary assistance has been established as the normal practice in Timor.

* *

In the final analysis, it cannot be gainsaid that the amelioration of the conditions of work in Asiatic countries depends to a considerable extent on economic development. Economic development does not, however, automatically bring about an improvement in living standards. It is for the competent authority to ensure that during the period of economic progress the conditions of work are continually improved, and that the benefit of increasing productivity is shared by the workers. Sufficient information has, however, been given in this chapter to show that the International Labour Code has been useful in laying down the general lines on which industrial legislation might be pursued in Asiatic countries. The progress already achieved gives ground for the hope that gradually the higher standards incorporated in the Code might be reached.

CHAPTER III

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

No.	Conventions	No.	Recommendations
5.	Minimum Age (Industry)	14.	Night Work of Children and Young Persons (Agriculture)
6.	Night Work (Young Persons)	15.	Vocational Education (Agriculture)
10.	Minimum Age (Agriculture)	41.	Minimum Age (Non-Industrial Employment)
33.	Minimum Age (Non-Industrial Employment)	45.	Unemployment (Young Persons)
59.	Minimum Age (Industry) (Revised)	52.	Minimum Age (Family Undertakings)
60.	Minimum Age (Non-Industrial Employment) (Revised)	57.	Vocational Training
77.	Medical Examination of Young Persons (Industry)	50.	Apprenticeship
78.	Medical Examination of Young Persons (Non-Industrial Occupations)	79.	Medical Examination of Young Persons
79.	Night Work of Young Persons (Non-Industrial Occupations)	80.	Night Work of Young Persons (Non-Industrial Occupations)

The protection of juvenile workers has, for more than a century, been the subject of labour legislation since reformers first attempted to prevent children and young persons from being employed under substandard conditions as a weapon in the competitive struggle. In the latter stages of this endeavour the International Labour Code has had an important part to play, for by setting minimum international standards it has paved the way for the protection of child labour on a world scale. Such protective measures have essentially two functions to fulfil: to safeguard the health and welfare of the young from the dangers of exploitation, and to establish improved educational opportunities. Actually, these two objectives go hand in hand and one can hardly be achieved in disregard of the other.

The International Labour Conference, in framing the portions of the Code relating to child labour, has kept constantly in mind the particular problems which confront the countries of Asia in this respect, in view of the climatic, social, and educational conditions prevailing in the region. The recognition of these regional differences finds expression in certain special provisions relating either to definite States or to certain categories of countries.

It may also be noted that the Conference quite recently, at its 29th Session (Montreal, October 1946), adopted three new Conventions: Nos. 77 and 78, concerning medical examination of children and young persons for fitness for employment in industry and in non-industrial occupations, respectively, and No. 79, concerning the restriction of night work of children and young persons in non-industrial occupations; and two new Recommendations: No. 79, concerning the medical examination for fitness for employment of children and young persons, and No. 80, concerning the restriction of night work of children and young persons in non-industrial occupations. An interesting feature of these texts, it may be remarked, is that all three Conventions provide for facilities for States which propose to ratify them either by stages or subject to the exclusion of certain areas.

For purposes of classification, the sections of the International Labour Code dealing with matters of juvenile employment are grouped below under three headings covering, respectively, age of admission to employment, night work, and vocational training and apprenticeship.

AGE OF ADMISSION TO EMPLOYMENT

The following texts regulate the age of admission to various types of employment: Conventions No. 5, fixing the age for admission of children to industrial employment, adopted in 1919 and revised in 1937 as Convention No. 59; No. 10, concerning the age of admission of children to employment in agriculture (1921); No. 33, concerning the age of admission of children to non-industrial employment (1932), revised in 1937 as Convention No. 60; Recom-

mer-dations No. 41, concerning the age for admission of children to non-industrial employment (1932); No. 52, concerning the minimum age for admission of children to industrial employment in family undertakings (1937), and Articles 18, 19, 21, 23 and 24 in Recommendation No. 70, concerning minimum standards of social policy in dependent territories (1944). The minimum age for all except agricultural employment is 14 and 15 years respectively in the original and revised Conventions (12 in Recommendation No. 70), with a two-year lower limit for light non-industrial work after school hours; the corresponding figure for agriculture is 14 years (12 in Recommendation No. 70); family undertakings are ordinarily to be excepted from these requirements; higher age limits are fixed for hazardous occupations. Conventions Nos. 5, 33, 59 and 60 contain provisions whereby the age for admission in India may be lower in certain specified cases. A similar exception is made for China in Convention No. 59.

The Convention just mentioned has been ratified by China, on the basis of the special provisions which for that country fix at 12 years the minimum age of admission to factories, and at 15 years the minimum age for dangerous and unhealthy work in manufacturing and mining establishments. The Factory Act of 1929, amended in 1932, prohibits employment in a factory of children under 14 years of age, or 13 years of age when employed as apprentices. According to the annual reports submitted by the Chinese Government on the application of this Convention, however, children under 14 appear still to be employed in various factories. The same Act forbids the employment of young persons under 16 years of age on work which is dangerous to their health or morals. The Mining Regulations of 1923 make unlawful the employment of children under 12 years of age in mines; young persons between 12 and 17 years of age may be employed only on light surface work.

In India, the Factories (Consolidation) Act, 1934, and its amendments prohibit the employment of children under 12 in factories, as defined in the law. Employment is also forbidden on specified dangerous processes (near moving machin-

es, cotton-openers, etc.) of children under 15 and of adolescents under 17 who have not been certified as fit for work as adults after a medical examination. The provincial Governments are empowered to make rules prohibiting or restricting the employment of children or adolescents upon operations exposing them to a serious risk of bodily injury, poisoning or disease. The Governments of several provinces, including Bombay, Bihar, and the Central Provinces, have made rules in virtue of such powers. Further, the Employment of Children Act, 1938, prohibits the employment of children and young persons under 15 years of age in any occupation connected with the transport of passengers, goods or mail by railway. An amending Act of 1939 makes unlawful the employment of children under 12 years of age in workshops engaged in occupations such as "bidi" making, carpet weaving, cement manufacture, etc., enumerated in a schedule which may be amended by the provincial Governments. The minimum age for admission of children to employment in mines, which had originally been fixed at 13 years, was raised to 15 years by the Indian Mines (Amendment) Act 1935. Young persons between the ages of 15 and 17 years may be employed underground only when they have obtained a certificate of fitness from a qualified medical practitioner. It was reported that in 1941 the Central Government was considering legislation regarding the employment of children in inland waterways and technical schools, which would enable India to ratify the revised Minimum Age (Industry) Convention. However, a final decision on this question was postponed for the duration of the war.

It may be of interest, as an example of regional differentiation in the International Labour Code, to enumerate in some detail the special provisions for India contained in the original and revised Minimum Age (Non-Industrial Employment) Conventions. Convention No. 33 fixes the minimum age for admission to non-industrial employment in India at 10 years, or at any age higher than 10 which may be fixed by national laws or regulations for the admission of children to factories not using power (and therefore not covered by the Factories Act). The Convention fixes at 14

years the minimum age for admission to any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals. Convention No. 60 fixes for India at 13 the minimum age for admission to employment in shops, offices, hotels or restaurants, places of public entertainment, and any other non-industrial occupation to which the competent authority may decide to extend the provisions. It fixes at 17 years the minimum age for admission to any non-industrial employment declared by the competent authority to be dangerous to life, health, or morals. So far, no all-India legislation concerning non-industrial employment has been enacted, but certain provinces have issued regulations on the subject. The Bombay Shops and Establishments Act, 1939, for instance, prohibits the employment of children under 12 years of age in shops and other commercial establishments, restaurants, theatres, etc. The Punjab Trade Employees Act, 1940, imposes similar limitations for children under 14 years of age, except when they are *bona fide* apprentices certified by a magistrate. Under the Tea Districts Emigrant Labour Act, 1932, no child under 16 years of age may be assisted to proceed to Assam to work on a tea estate, unless accompanied by a parent or other adult relative on whom the child is dependent.

In the French Establishments in India, under a Decree of 1937, the minimum age for employment in industry is 14 years. A medical certificate of fitness is needed between the ages of 14 and 18 years, and employment in certain occupations scheduled as dangerous by an Order of 1937 is prohibited.

The Burma Factories Act and Mines Act conform with those of India and contain the provisions mentioned above for that country. Rules have also been made forbidding or restricting the employment of children under 15 years, and of adolescents under 17 who have not been certified as fit for work as adults, in specified "hazardous occupations" in which there is danger of injury, poisoning or disease.

In Ceylon, no one under the age of 14 may be employed in industrial establishments. Young persons up to 16 years of age must undergo a medical examination before entering such employment, and the certifying surgeon may describe the types of work which they are capable of performing and prohibit their being engaged for others. Employers are required to comply with the surgeon's recommendations until the young worker attains the age of 18 years. Juveniles below that age are debarred from working underground in mines. It thus appears that the age limit for admission to industry in Ceylon is lower by one year than that specified in Convention No. 59; but the principle of raising the limit to 15 years in accordance with Recommendation No. 70 has been accepted by the Government. The minimum age for employment in shops and other commercial establishments is fixed by the Shops Ordinance at 14 years, also one year below the International Labour Code standards. The situation in regard to the admission of children to agricultural employment appears to be less satisfactory. The Children and Young Persons Ordinance of 1939, which is not yet in force, prohibits the employment of those who are under 12 years, and the Minimum Wages (Indian Labour) Ordinance (which applies to estates) of those under 10 years. Under the former Ordinance a lower age for the employment of children by their parents or guardians in light agricultural or horticultural work may be fixed by regulation. The minimum age in the latter Ordinance will eventually be raised to 12 years. Although education has been made compulsory from 6 to 14 years (to 10 years on estates and for Muslims), it is only recently that adequate steps have been taken to enforce school attendance. It is also proposed to make compulsory attendance at school cover the ages 5 to 16 years (with exceptions from 15) and to apply this by degrees to the estates.

In Indo-China, a Decree of 1933 prohibits the employment of children under 12 years of age in industrial plants, laboratories, shops and commercial establishments, offices, etc. A medical examination may be ordered by the labour inspectors for children and young persons from 12 to 18

years of age to ascertain whether the work in which they are engaged is not too strenuous for them. These provisions were confirmed by a Decree of 1936, which, in addition prohibits the employment of children under 15 underground in mines. As regards agricultural work, a Decree of 1927 permitted juveniles from 14 to 18 years of age to enter into a written contract, on condition that their parents are employed on the same plantation.

The minimum age for the admission of children to industrial employment, other than family undertakings, in Indonesia is 12 years. In order to undertake underground work in a mine, a person must have attained the age of 16 years. While certain dangerous underground occupations are open to adults only, juveniles of 16 years may be engaged in loading and unloading the cage. Legislation in respect of the employment of young persons in commercial undertakings has not been enacted so far. The same is true for agricultural work, and children under the age of 12 are reported to be working on estates, for the most part, however, assisting their parents in the gardens. Young persons between the ages of 12 and 16 years have been engaged for work on estates, including both the gardens and the factories, without objection from the Labour Inspectorate, so long as the work was not too heavy.

In Malaya (former Federated Malay States), the minimum age for employment in industry is 12 years. No Indian immigrant under 10 years of age may be employed in any kind of labour. Children under 14 may not take part in a public entertainment without a licence. No child may be employed on work which the competent official considers likely to be injurious to the child's health.

In Singapore, the minimum age for the employment of children in industry is 12 years, but legislation is now being considered to raise it to 14.

In New Caledonia, the minimum age for free employment is fixed at 12 years, and that for indigenous contract labour at 15 years. The minimum age for ordinary employment in New Guinea is 14 years, but children over 12 may be employed in domestic service. Young persons under 16

years of age may not be employed in mines. In Papua, no child under 14 years may be employed unless his parents consent and unless there is no school which the child is required to attend within a mile of his home; underground work in mines for boys under 14 years of age is prohibited, as is the employment of persons under 18 years in certain mining processes.

In the Philippines, the Employment of Women and Children Act of 1923 prohibits the employment of children below the age of 14 years in factories, industrial establishments and other places of labour on school days, unless the child knows how to read and write, and, in any case, as labourers in mines (above ground). The minimum age of admission is fixed at 16 for employment underground in mines and other specified hazardous occupations, and at 18 years of age for "any work which involves serious danger to the life of the labourer".

In Australia, the age of admission to industrial employment is a subject dealt with under State legislation and is generally set at 14 years. Various ages up to 18 years are fixed for hazardous employments.

The New Zealand Factories Act, as amended in 1936, prohibits the employment of children under 14 years of age. Other legislation limits the age for employment involving the use of certain types of machinery, the minima ranging from 14 years for boys to 18 years for girls; the corresponding figures for specified hazardous occupations are 18 and 21 years.

NIGHT WORK

The relevant provisions of the International Labour Code are contained in Convention No. 6, concerning the night work of young persons employed in industry (1919); Recommendation No. 14, concerning night work of children and young persons in agriculture (1921); and Article 25 in Recommendation No. 70, concerning minimum standards of social policy in dependent territories (1944). The standards established fix 18 years as the age for protection against night employment in industry and prescribe a consecutive rest

period of 11 hours; a special Article of Convention No. 6 sets the protective age for India at 14 years. Recommendation No. 14 suggests a minimum consecutive rest period of 10 hours for children under 14 years of age engaged in agricultural work and of 9 hours for young persons between the ages of 14 and 18.

In China, the Factory Act, 1929, as amended in 1932, contains a provision prohibiting the employment of young workers under 16 years of age between the hours of 8 p.m. and 6 a.m.

India has ratified Convention No. 6 and applies it by the Factories Act, 1934, which prohibits the employment of young persons under 15 years of age between 7 p.m. and 6 a.m.; the provincial Governments may vary these limits to any span of 13 hours between 5 a.m. and 7.30 p.m. The age is raised to 17 unless the young person is certified, after medical examination, as fit for work as an adult. Thus Indian legislation has already raised the standards of protection beyond the level required under the special clauses of the Convention applying to that country, and is progressing towards the general International Labour Code standards.

In the French Establishments in India, night work between 9 p.m. and 5 a.m. is generally prohibited, unless a permit to the contrary is given. No such permit can be granted in respect of young persons under 18 years of age.

In Ceylon, no person below the age of 18 may be employed in a shop or factory before the hour of 6 a.m. or after 6 p.m.; this provision thus goes beyond the protective level set by the Code.

In Indo-China, a Decree of 1936 prescribes that all night work (between 10 p.m. and 5 a.m.) is prohibited for boys under 18 years of age and for girls of any age; the night rest period must run 11 consecutive hours at least. Temporary exceptions to these regulations may be authorised in certain industries where raw materials or perishable products are involved.

In Indonesia, children under the age of 12 years are not to be employed on any work or for any undertaking between the hours of 8 p.m. and 5 a.m.

In Malaya, a 1932 amendment to the Labour Code prohibits night work between 10 p.m. and 5 a.m. for young persons under 18 years of age, and provides that they must have 11 hours' rest from the time they cease work to the time they resume work the next morning.

In the Philippines, the Employment of Women and Children Act of 1923 prohibits the employment in factories, shops or other places of labour of any person under 16 years of age before 6 a.m. and after 6 p.m.

Legislation in Australian States dealing with night work is applicable to males under 16 years of age and to females of any age. Exceptions are permitted in some cases; the protective period is usually from 6 p.m. to 6 a.m.

The New Zealand Factories Act, 1921-1922, as amended in 1936, prohibits the employment of boys under 16 years of age and of girls of any age between the hours of 6 p.m. and 8 a.m.

VOCATIONAL TRAINING AND APPRENTICESHIP

The following Recommendations constitute this section of the International Labour Code: No. 15, concerning the development of technical agricultural education (1921); No. 45, concerning unemployment among young persons (1935); No. 57, concerning vocational training; No. 60, concerning apprenticeship (1939); and Articles 17 and 27 in the Social Policy in Dependent Territories Recommendation (1944). These texts recommend the development of vocational schooling in agriculture and industry through co-ordinated educational schemes and through regulated apprenticeships. Such measures are to be given particular attention during periods of unemployment.

The chapter on apprenticeship in the Chinese Factory Act, 1929, as amended in 1936, is in many respects in accordance with the principles of the International Labour Code. Provision is made for the drawing up, registration, and termination of contracts; the minimum age for admission into a factory as apprentice is fixed at 13 years; the duties of the employer concerning the lodging of appren-

tics and medical treatment when necessary, as well as their training, are defined; and the total number of apprentices in any factory may not exceed one third of the regular workers. In view of the unemployment among young workers during the years 1933-1936, the Executive Yuan authorised the establishment of classes for training unemployed graduates for employment in public administrative services or economic reconstruction work. The question of the reorganisation of vocational training became particularly urgent during the war, when the removal of factories to the interior of China made it necessary to take special measures for the extension of technical training facilities. A project, which a Bureau created for that purpose by the National Defence Industries Commission had drawn up, was put into operation in 1941. The trainees were selected from among young persons over 16 and under 20 years of age who had completed a course of instruction at a primary school. During the period of training, which was fixed at one, three or five years according to the degree of skill required in the proposed employment, board and lodging and working apparel were provided free of cost to the trainees and an allowance was also made for pocket money. On completing their training, trainees were given suitable employment with the conditions specified, and those who were admitted to training were under an obligation not to leave such employment for a period of three years. Arrangements were made in 1941 by the Supreme National Defence Commission for the purpose of training 7,000 workers for skilled work during a period of five years. The training was to be given in various private and Government factories in Szechwan, Yunnan, Hunan and Kwangsi, to graduates of primary schools. The Ministry of Education directed, moreover, the national middle schools to provide facilities for vocational training for the students in accordance with local conditions and requirements and in conjunction with factories in the vicinity engaged in the production of material for national defence.

Also in 1941, the Chinese Ministry of Education adopted measures for regulating technical education and increas-

ing the facilities for vocational training. Three grades of technical schools were established: junior schools; courses of one to three years for graduates of junior middle schools; and higher schools. These schools, which might be established either by provincial, municipal or district authorities or by private individuals, were required to report to the Ministry of Education for registration and provide tuition free of cost. Courses of technical training were also organised by the Ministries of Economic Affairs and of Communications. It should be added that arrangements have been made by the Chinese Government for the training abroad, more particularly in the United States, of Chinese professional and technical workers in engineering, agriculture, sanitation, education, railway administration and other matters, with a view to ensuring an adequate supply of administrative personnel for post-war reconstruction.

The lack of compulsory primary education in India has retarded the growth of vocational education and training for an industrial career. The scheme for the reorganisation of the educational system recently approved by the Government will gradually improve this situation. Some of the Government technical and industrial schools provide facilities for the training of boys as skilled workmen. Special artisan schools are run in a number of cases under the provincial Governments, for example, in Bombay and Madras. The Government Industrial Training Workshop which was established in Ahmedabad in 1940 is controlled directly by the Labour Welfare Department of the Government of Bombay, assisted by a special advisory board. It gives training in carpentry, mechanical engineering, tailoring, and spray painting. The elementary course lasts six months and the advanced course a year. The Madras trade schools provide courses of technical and practical training for boys of good education in such subjects as electrical engineering, mechanical engineering, printing, etc.; these courses are designed to turn out men suitable for employment as foremen, supervisors and charge-men. In order to meet the wartime demand for skilled workers, the Labour Department of the Government of India initiated and administered a technical

training project. It was started in 1940 and covered all the main engineering trades, including fitting, turning, machining, instrument-making, welding, sheet-metal work, tool-making, blacksmithing, moulding and pattern-making. Its scope included the Indian States as well. The training courses, given in accordance with syllabuses prepared by the Department, varied from 3 to 9 months in the first instance, and were subsequently extended to 12 months in some cases. On the completion of their training, the trainees were trade-tested and placed in employment in the defence services or in civil industry according to requirements. Special arrangements were made for the protection of the health and welfare of the trainees. Under a scheme which owed its inception to Mr. Ernest Bevin, then British Minister of Labour and National Service, a number of selected Indian workers received advanced technical training in the United Kingdom.

For the organisation of vocational and technical training facilities for the needs of post-war reconstruction, the Central Government has set up a body called the All-India Council of Technical Education, on which the provinces and Indian States are also represented, to survey the whole country with a view to ascertaining the needs of different areas for technical schools and institutions. The Government has made arrangements to send several hundreds of Indian students abroad for training in scientific and technical subjects related to post-war development plans. The Standing Advisory Committee on Technical Training, appointed in 1944 to consider plans to train craftsmen for the needs of civil industry, has recommended the institution of a national certificate of crafts, and its recommendations are at present under the consideration of the Government. Meanwhile, the Labour Department has initiated, as part of its general plan for the resettlement of demobilised service personnel, schemes for the technical and vocational training of ex-service men and women. These projects have the twofold objective of facilitating the readjustment of veterans to civilian life by training them for useful occupations, and of providing skilled manpower for the economic deve-

lopment of the country. There are two major schemes of training, the technical and the vocational training schemes, and two minor schemes, one for the disabled and another for ex-service women. The technical training scheme has been modelled on the lines of the recommendations of the Standing Advisory Committee on Technical Training and covers all the main engineering trades. The vocational training scheme is designed to provide instruction in non-engineering trades and occupations, such as agriculture, cottage and small-scale industries, commercial and clerical occupations, and miscellaneous professional and semi-professional occupations, which hold an important place in the economic life of the country. The object of the scheme for the war disabled is to secure the most satisfactory resettlement possible of disabled persons in private employment and to ensure that their disability does not of itself constitute a bar to their economic activity. The scheme for the training of ex-service women is designed to give vocational instruction in such occupations as are suited to their special aptitudes. All these schemes are intended to meet India's need for technical personnel in the transition period from war to peace, and are patterned in accordance with the principles of Recommendation No. 71¹ adopted by the International Labour Conference in 1944. It is intended at the conclusion of the training of demobilised personnel, to turn over the training centres established under the schemes to the provincial Governments for the schooling of technicians in peacetime.

A committee set up by the Central Government to consider the development of higher technical education has recommended the early establishment of four high-grade regional technological institutions in India on the lines of the Massachusetts Institute of Technology. Most provincial and State Governments have plans for the development of technical education, and the jute and film industries have made their own plans for the provision of facilities for the training of personnel.

¹The Employment (Transition from War to Peace) Recommendation, 1944.

In Ceylon, there exists only one recognised institution for vocational training, the Government Technical College. The Education and the Commerce Departments maintain a few industrial schools.

In Indo-China, a Decree of 1936 introduced legislation on apprenticeship, applicable to workers not engaged by written contract. No child under 12 years of age may be hired as an apprentice. At the age of 20 the apprentice becomes a full-fledged worker. In all shops other than special apprenticeship establishments, the number of apprentices may in no case be greater than one third of the workers. All undertakings where any type of industrial or commercial activity requiring technical training is carried on, and where more than 30 workers are employed, must have a number of apprentices equal at least to one tenth of the total working strength. In addition there are practical technical schools in various towns, numbering eight in all, and one industrial engineering school. In Cochin-China, the expansion of technical education is being considered.

In Indonesia, vocational schools of both an indigenous and a western type are subsidised by the Government to facilitate the education of students in possession of limited financial resources. Vocational training in connection with Indonesian elementary education include courses in domestic science, nursing (male and female), the work of vaccinators, midwives, laboratory assistants, hygiene and public health officers, "mantris", wood and iron workers, electricians, chauffeur-mechanics, seamen, ships' engineers, and agriculturists. The western type of vocational schools train students for occupations in commerce, agriculture, horticulture, forestry, mining, etc. Boys and girls are not generally admitted to the same institutions, as certain occupations are considered to be restricted to one sex or the other. A system of apprenticeship regulated by law does not seem to have been provided as yet. The establishment of continuation schools to permit persons already in employment to complete their education would also be of considerable value.

In New Caledonia, after a special committee had studied the question of vocational training, an Order of 1938 made it compulsory for undertakings to train apprentices in the proportion of 5 per cent of the total labour force. Other Orders of the same date deal with the granting of industrial training diplomas and certificates of skill.

Apprenticeship regulations have been enacted by the various Australian States. Under the National Security Act, 1939, the Government of Australia has made regulations protecting the interests of those whose apprenticeship was interrupted by war service. The training of young unemployed persons was undertaken in the Commonwealth during the economic crisis. Schemes were operated for supplementing wages of trainees pending their attaining complete efficiency, for training for technical and commercial pursuits, and for training for agriculture, forestry and mining. These schemes were financed jointly by the central Government and the States.

New Zealand has regulated apprenticeship under the Master and Apprentice Act, 1908, amended in 1941, and by the Apprentices Act, 1923. In November 1945, a New Zealand Commission of Enquiry into Apprenticeship and Related Matters, established the previous year, issued its report which, after approving the general structure of vocational training, recommended that vocational guidance in the schools should be extended so as to spread knowledge of possible careers more widely, including information about apprenticeship in various trades.

*
* *
*

Lasting improvements in the standards of employment of children and young persons can only be carried out within a framework of economic and educational progress. The special circumstances existing in the Far Eastern region serve to illustrate this truth. However, despite the additional obstacles encountered by Asiatic countries in this direction, considerations of a social nature render the constant improvement of the conditions of juvenile work parti-

cularly urgent. When programmes of economic and social development are being drawn up in those countries, the welfare of their future citizens will no doubt receive adequate attention. The standards embodied in the Conventions and Recommendations of the International Labour Organisation will be found to provide valuable guidance in the determination of such programmes

CHAPTER IV

EMPLOYMENT OF WOMEN

<u>No.</u>	<u>Conventions</u>	<u>No.</u>	<u>Recommendations</u>
3.	Childbirth	12.	Childbirth (Agriculture)
4.	Night Work (Women)	13.	Night Work of Women (Agriculture)
41.	Night Work (Women) (Revised)	26.	Migration (Protection of Females at Sea)
45.	Underground Work (Women)		

The reasons for the special protection of women workers are the same as those inspiring the adoption of separate labour legislation for children and young persons. Both groups are essential to the survival of society but are particularly subject to physical exploitation, and therefore in constant need of vigilant defence by the law. The parallel between juvenile and female workers applies also in another respect; the climatic and economic conditions prevailing in the Far Eastern region render necessary certain regional adaptations in the global standards established by the International Labour Code in its provisions relative to the employment of women. The discussion of these texts may be divided into the following sections: maternity protection; night work; underground work in mines; and protection of female emigrants on board ship.

MATERNITY PROTECTION

Convention No. 3, concerning the employment of women before and after childbirth (1919), Recommendation No. 12, concerning the protection, before and after childbirth, of women wage earners in agriculture (1921), and Article 31 in Recommendation No. 70, concerning minimum standards of social policy in dependent territories (1944), regulate the employment of women during the period of childbirth. Convention No. 3 provides for 6 weeks' leave from industrial and commercial employment both before and after

confinement income security during that span of time, free medical care, and rest intervals for nursing mothers. Recommendation No. 12 calls for the extension of these provisions to women employed in agriculture.

In China, the Factory Act provides for 8 weeks' leave altogether before and after childbirth; full wages (half the wage if the woman has been employed less than 6 months) are payable by the employer during such leave. The Contract of Employment Act, 1936, specifies that the employer is not entitled to terminate the contract because a woman employee absents herself from work during this period.

In India, maternity protection legislation had been adopted by 1937 in the provinces of Ajmer-Merwara, Bombay, the Central Provinces, Delhi, and Madras and in the Indian States of Cochin and Mysore. Maternity Benefit Acts were subsequently adopted in the United Provinces in 1938, in Bengal in 1939, in the Punjab in 1943, and in Assam in 1944. Among the essential features of these Acts are the following: all of them relate to women working in factories, and the Assam Act applies to plantations as well, in all cases, the entire cost is to be borne by employers; the maximum period for which the benefit is available is usually 8 weeks, except in the Punjab, where it is 60 days (30 before and 30 after delivery); under the Assam Act, the employment of a woman is forbidden during the 4 weeks immediately before and the 4 weeks immediately after childbirth, whereas under the other Acts the prohibition of such employment is confined to the 4-week period following childbirth; finally, a woman may not be discharged from her employment during the period of absence from her work.

As regards legislation enacted by the Government of India, the Mines Maternity Benefit Act, 1941, as amended in 1943, prohibits the employment of women during four weeks after confinement and provides for a period of one month of authorised absence or leave before confinement.¹

¹As mentioned below, the ban on the employment of women underground in mines was lifted as a temporary measure in 1948 (see p. 65). During the emergency period, the Mines Maternity Benefit (Amendment) Act, 1945, fixed the period of maternity leave at 10 weeks before and 6 weeks after childbirth.

Under certain conditions with respect to duration of employment, the employer is liable for the payment of benefits during these periods. The same Act provides for a bonus in addition, when the woman has been attended by a qualified midwife or other trained person. Under the Maternity Benefit Rules, 1948, the qualifications to be possessed by the midwife or the trained person are to be determined by the provincial Governments. The Workmen's State Insurance Bill now before the Legislative Assembly provides for the payment of maternity allowances by the insurance fund during the 6 weeks before and 6 weeks after confinement, in conformity with Convention No. 3.

In the French Establishments in India, the period of maternity leave is 8 weeks in all and women are entitled to half their wages during 4 weeks.

Maternity benefits in Ceylon are provided under the Ordinance of that name or under the Medical Wants Ordinance. This legislation grants 4 weeks' maternity leave after confinement, with wages paid by the employer, (however, 2 weeks' leave before confinement may be claimed); free medical attention during childbirth is provided for women employed on estates, the Medical Wants Ordinance makes the care and nourishment of estate labourers' infants under one year the responsibility of the estate superintendent. Both Ordinances apply to plantation workers as well as workers in factories, shops, and mines. Although the insurance principle has not yet been adopted, provision is made for the employers' liability, and the Commission on Social Services has recently recommended the institution of contributory insurance schemes for the payment of maternity benefits.

In Indo-China, under a Decree of 1927, applying to workers hired by written contract, women are entitled to one month's paid leave after childbirth. At the end of their pregnancy and during the first two months of nursing, they may only be employed on light tasks. In large-scale undertakings employing more than 50 women, the public authorities may ask the employer to build and maintain a nursery where the children are fed and cared for while their

mothers are at work. A Decree of 1933, applying to workmen not hired by written contract, provides for the interruption of work by women during a continuous 8-week period before and after childbirth, and states that such absence from employment may not constitute a cause for dismissal. Rest periods for infant feeding are also provided for until the child has reached the age of one year.

In Indonesia, provision for maternity rest applying to female workers employed in the Outer Provinces was made by the Immigrant Labour Regulations Draft Ordinance of 1942, under which women may not be compelled to work during the 30 days preceding or the 40 days following confinement. For female workers employed in Java, certain general stipulations regarding the release from night work in the case of women in advanced stages of pregnancy have been in force since 1925, but the extension of the above Ordinance to Java would be a valuable step towards attaining the maternity protection standards set by the International Labour Code.

In Malaya, an employed woman has the right to take one month's leave both before and after confinement and to receive from her employer during this period a maternity benefit calculated on the basis of her previous wages.

In New Caledonia, women workers are entitled to one month's leave after childbirth.

In the Philippines, an Act of 1923 provides for maternity leave without termination of the contract of employment during 4 weeks before and 4 weeks after confinement. The employer is liable for the payment of wages during these periods.

In Australia, regulations concerning maternity leave are outside the competence of federal legislation. In some of the States, the Factories and Shop Acts prohibit the employment of a woman before and after childbirth for a duration of 4 to 6 weeks. The Maternity Allowances Act (federal) provides for subsidies to all Australian mothers.

The New Zealand Social Security (Maternity Benefits) Regulations, 1939, established such benefits for all women,

to be provided either in a maternity hospital or by a medical practitioner or obstetric nurse.

NIGHT WORK

The following texts constitute this section of the Code: Convention No. 1, concerning employment of women during the night (1919), revised in 1934 as Convention No. 41; Recommendation No. 13, concerning night work of women in agriculture (1921); and Article 32 in the Social Policy in Dependent Territories Recommendation (No 70). The standards established prohibit the employment of women in industrial undertakings during 11 consecutive night hours, including the period from 10 p.m. to 5 a.m. Convention No. 41 exempts women in responsible managerial positions from these provisions, while Recommendation No. 13 calls for rest periods during the night for female agricultural workers. Both Conventions provide that India and Siam may restrict application of the Code to "factories", as defined by national law.

In China, the Factory (Consolidation) Act of 1929, as amended in 1932, contains a provision (not yet in force, however) prohibiting the employment of women workers between the hours of 10 p.m. and 6 a.m.

India has ratified both Night Work (Women) Conventions and enforces them through the Factories Act, 1934, which forbids the employment of women between 7 p.m. and 6 a.m. in establishments covered by the law. Provision is made for variation in the limits of these hours under specified conditions, and for exemptions in specified cases.

The prohibition of night employment for women workers in any industrial undertaking, business or shop is general throughout Ceylon. The period for which work is forbidden runs between 6 p.m. and 6 a.m., except for women workers in restaurants and hotels, who may be employed up to 10 p.m., and for women workers in factories, who may work until 8 p.m. In agriculture, there is hardly any night work, and no legislation appears to exist on this point.

In Indo-China, two Decrees of 1933 and 1936 prohibit night work for girls and women of all ages.

The Indonesian Ordinance giving effect to provisions of the Night Work Convention advanced the hour at which employment could begin from 6 to 5 a.m. New regulations adopted in 1941 under the above Ordinance require each workshop or factory to apply for special release from the prohibition of night work if it considers such exemption necessary for reasons of business.

In Malaya, a 1932 amendment to the Labour Code prohibits night work between the hours of 10 p.m. and 5 a.m. for women workers of all ages, and provides that they must have 11 hours' rest from the time they cease to work until they resume work the next morning.

Night work for women is forbidden in the French Establishments in India and in New Caledonia.

The Portuguese Government has stated in the past that the employment of women for work during the night is prohibited in its territories.

In Australia, where the question is dealt with by State legislation, certain States forbid the employment of women between, at least, the hours of 9 p.m. and 6 a.m.

New Zealand has ratified Convention No. 41 and applies it by the Factories Act, 1921, as amended in 1936, which prohibits the employment of women between 6 p.m. and 8 a.m.

UNDERGROUND WORK IN MINES

Convention No. 45, concerning the employment of women on underground work in mines of all kinds, adopted in 1935, prohibits the employment of women on work of this nature. National legislation may exempt certain categories of female workers not engaged in manual labour. Article 38 in Recommendation No. 70 (1944) calls for the extension of these provisions to non-self-governing territories.

China has ratified the above Convention and applies it by the Mines Act of 1936, which prohibits underground work in mines for women.

India is also a party to the Convention and enforces its terms under the Indian Mines Act, 1923, which, after a

1937 Notification, prohibits employment of women underground in mines. As a result of the shortage of colliery labour during the war, the Government of India permitted, from August 1943 on, underground work by women in the coal mines of Bengal, Bihar, the Central Provinces and Berar, and Orissa. Full application of the terms of the International Labour Code in this respect was restored on 1 February 1946. Under the above Act, Mines Crèches Rules were issued in 1946 which require the owner of every mine to construct a nursery and provide for a monthly medical examination of the children attending the crèche.

In Burma and Ceylon, the employment of girls and women underground in mines is forbidden.

In Indo-China, under a Decree of 1936 regulations may be issued defining the various types of dangerous and unhealthy work prohibited to children and women.

In Indonesia, the Mining Regulations restrict underground work in mines to male workers and prohibit the surface employment of women on the work of loading and unloading cages.

The underground employment of women in mines is also prohibited in Fiji, New Guinea, and Papua.

Although Australia has not ratified Convention No. 45, its terms appear to be applied in all the States of the Commonwealth.

New Zealand is a party to this Convention and enforces it by the Coal Mines Act, 1925, and the Mining Act, 1926, which prohibit the employment of women workers in mines.

PROTECTION OF FEMALE MIGRANTS ON BOARD SHIP

Recommendation No. 26, concerning the protection of emigrant women and girls on board ship, adopted in 1926, recommends that during a sea voyage such female migrants should be assisted on board ship by a properly qualified woman, who should draw up reports at the end of the trip for the use of the Governments concerned.

According to available information, no country in the Far Eastern region has, so far, taken specific action on the above Recommendation. However, an Act on the

Indian Statute Book empowers the Central Government to make rules for the appointment of qualified women inspectors on board emigrant vessels.

*
* *
*

Steadily increasing protection for women workers will, no doubt, continue to have high priority in any plans under consideration by the Governments in Asia in the field of labour legislation, and the standards of the International Labour Code may, as in the past, provide practical targets for the guidance of the authorities responsible for the formulation of such progressive social measures.

CHAPTER V

INDUSTRIAL SAFETY AND HYGIENE

No.	Conventions	No.	Recommendations
13.	White Lead (Painting)	3.	Anthrax Prevention
18.	Workmen's Compensation (Occupational Diseases)	4.	Lead Poisoning (Women and Children)
27.	Marking of Weight (Packages Transported by Vessels)	5.	Labour Inspection (Health Services)
28.	Protection against Accidents (Dockers)	6.	White Phosphorus
32.	Protection against Accidents (Dockers) (Revised)	31.	Prevention of Industrial Accidents
42.	Workmen's Compensation (Occupational Diseases) (Revised)	32.	Power-Driven Machinery
62.	Safety Provisions (Building)	33.	Protection against Accidents (Dockers)
		24.	Protection against Accidents (Dockers) Consultation of Organisations
		40.	Protection against Accidents (Dockers) Reciprocity
		53.	Safety Provisions (Building)
		54.	Inspection (Building)
		55.	Co-operation in Accident Prevention (Building)
		56.	Vocational Education (Building)

The prevention of accidents and diseases occurring as a direct consequence of occupational hazards, by its very nature, has little relation to boundaries or nationality. The International Labour Organisation has therefore been able to do valuable work in this field, both as an agency for co-ordinating experience gained in the various countries, and in taking the initiative towards setting world standards of safety and hygiene in industrial employment. With the assistance of Correspondence Committees composed of experts from all parts of the world, the International Labour Office has drawn up model codes, as, for instance, one of safety for the building industry, which in 1937 was incorporated into the International Labour Code. Similar model

codes on safety in coal mines and in factories have since been approved by the Correspondence Committees concerned, and the texts in question will no doubt be submitted in due course to the International Labour Conference with a view to embodying them in Conventions and Recommendations. However, this chapter is concerned primarily with the safety and hygiene provisions which already form part of the International Labour Code, and with the extent to which the countries of the Far Eastern region have found it possible to apply these provisions, either directly through legislative measures, or indirectly through unofficial organisational activities.

INDUSTRIAL SAFETY

The relevant parts of the International Labour Code include the following texts: Conventions No. 27, concerning the marking of the weight on heavy packages transported by vessels, adopted in 1929; No. 28, concerning the protection against accidents of workers employed in loading or unloading ships, adopted the same year and revised in 1932 as Convention No. 32; and No. 62, concerning safety provisions in the building industry (1937), and Recommendations No. 31, concerning the prevention of industrial accidents, and No. 32, concerning responsibility for the protection of power-driven machinery (1929); Nos. 33 (1929) and 40 (1932), concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships; No. 34, concerning the consultation of workers' and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading and unloading ships (1929); Nos. 53, 54, 55, and 56, respectively concerned with safety provisions, inspection, co-operation in accident prevention, and vocational education in the building industry (all adopted in 1937); and Articles 20-23 in Recommendation No. 74, concerning minimum standards of social policy in dependent territories (supplementary provisions) (1945). As the titles of the above instruments indicate, this section of the Code

aims primarily at ensuring safe working conditions in the handling of maritime cargo in ports, and in the construction of buildings. In addition, Recommendation No 31 sets out a series of preliminary steps to organise effective accident prevention in industry on a national scale, and Recommendation No 32 calls for the installation of safety appliances on all machinery driven by electrical or other power.

Owing to a variety of circumstances, chief among them, wartime conditions, the programme of industrial safety legislation in China has been gravely impeded for many years. There is, however, a not inconsiderable volume of laws and regulations relating to safety, and a beginning has been made with voluntary safety activities. The legislation relates principally to factories, namely, the Factories (Consolidation) Act of 1929 as amended in 1932 and the Factory Inspection Rules issued in 1935, but there are also regulations for mines and docks. The provisions regulate the construction of factories and prescribe the adoption of safety measures. Factories are required to pay special attention to the design and installation of electrical equipment and to instal an automatic cut-off for electric current in the case of accidents. They must also take precautions against fire or flood. Machines must be fenced, and workers handling machines who run a risk of having their hair or clothing caught are required to wear appropriate clothing. Protective clothing must be provided for workers handling poisonous or very hot substances or working in places exposed to dust, gas or harmful light. China has ratified Convention No 27, and implementing rules were issued in 1931 and amended in 1936. The application of the Convention, until 1945, was rendered impracticable by hostilities and by enemy occupation of the ports. China has also ratified Convention No. 32 and given effect to it by regulations of 1937. Convention No. 62 has not been ratified, and no national regulations on safety in the building industry seem to have been adopted as yet. The voluntary safety movement has hitherto been carried on by a few local organisations such as, for example, the Industrial Safety Association, Shanghai. There is as yet no comparable

national association. Whenever circumstances allowed, safety activities have been carried on by the Factory Inspectorate and by a central accident prevention office, functioning under the Ministry of Industry. These activities include the organisation of safety work on a provincial basis and the preparation of educational and propaganda material. The compilation of accident statistics has begun in a number of provinces and municipalities.

Industrial safety legislation in India is highly developed; it consists of central laws and regulations covering some or all of the provinces, and supplementary legislation of the provinces themselves. The principal subjects dealt with in the safety laws relate to factories, mines, transport, steam boilers, electricity, flammable liquids, and explosives. In a brief report such as this it is impossible to discuss in any detail the provisions of safety legislation so extensive in scope and so large in volume, but it may be useful to describe the main features of the factory legislation of the Central Government and of one province, Bombay, by way of example. The basic provisions are contained in the Indian Factories Act, 1934, and in its subsequent amendments. The safety provisions of the Act relate to such subjects as ventilation, overcrowding, lighting, precautions against fires, means of escape in case of fire, and fencing of engines, lift wells and machinery. These provisions are of a general character and the Act authorises the provincial Governments to issue supplementary rules on many points, including topics not regulated by the Act, such as first aid and mechanical transport in factories. The Act also defines the powers of inspectors in certain matters affecting safety. A few regulations have been issued under the Factories Act; they deal with hazardous occupations such as, for example, aerated-water manufacture and sand blasting. In the province of Bombay, central legislation on safety is supplemented by general factory rules issued in 1935 and by various special regulations for dangerous occupations, including the manufacture of lead, chemicals, chromium, etc. The general rules cover the same ground as the Indian Factories Act but go into much greater detail. India has ratified Convention No 27 and the

provisions of this Convention, while not incorporated in any central Act, are applied under various regulations issued by the port authorities of Bombay, Karachi, Calcutta, Madras, etc. India has also ratified the revised Protection against Accidents (Dockers) Convention (No 32); the Indian Dock Labourers Act, passed in 1934, gives effect to this Convention by providing for the appointment of inspectors and the enactment of regulations by the provincial Governments. India has not ratified Convention No. 62, and there are no central regulations governing safety provisions in the building industry; these matters appear to be within the jurisdiction of the provincial authorities.

The Central Government has set up a nucleus organisation under the Chief Adviser, Factories, which, among other duties, will be available for consultation by the provincial Governments on all matters relating to factory inspection, including the enforcement of safe working conditions through health and safety precautions and dust control. It is intended to set up an Industrial Museum, which will serve as a practical centre of demonstration and a permanent exhibition of methods, arrangements, and appliances for promoting the safety, health, and welfare of industrial workers. There is no central factory inspectorate, but much safety work is carried on by the provincial factory inspectorates, such as that of Bombay, which in addition to its inspection work has laboured hard to further the safety movement. Monthly articles on accidents and their prevention are issued, a safety film for the textile industry has been prepared by it, and efforts have also been made to establish safety committees in industrial undertakings. The more important of the industrialised States, as, for example, Baroda, Hyderabad and Mysore, have safety legislation generally similar to that of the provinces. In the other States safety legislation may be said to vary with the degree of industrialisation.

As is the case in other industrial countries, in India safety legislation is supplemented by voluntary measures undertaken by a variety of bodies interested in industrial safety. The leading all-Indian unofficial organisation in this

respect is the Safety First Association of India, founded in 1931. So far as factory safety is concerned, it arranges lecture courses and broadcast talks, publishes a monthly magazine, *Safety News* (later called *Efficiency News*), press communiqués, talks, leaflets, etc., and takes part in exhibitions. In the Association's opinion the problem of reducing the waste of manpower due to accidents has first place among those which must be tackled. By dint of unremitting efforts in the interests of industrial safety, the Association has acquired a high standing in the country, and its branches have been established throughout the provinces. The different branches of railways also undertake considerable preventive, remedial and educative safety work. Every accident that occurs is thoroughly investigated in co operation with safety first committees, to whose views and recommendations due weight is given. Statistics are maintained of all accidents, and their analytical study forms the basis of the preventive measures instituted. Accident prevention is also promoted by the Red Cross, by employers' organisations, and by some trade unions. There are safety committees in a number of factories.

In the French Establishments in India, legislation was adopted in 1937 concerning the general cleanliness, lighting, and ventilation of factories, the supply of drinking water, wash rooms, cloak rooms, etc., the removal of dust and fumes, and the safety precautions to be taken, in factories using mechanical power. The application of Convention No. 18 was effected by an Order of 1939.

The Siamese Factory Act lays down general principles as to safety and hygiene in scheduled factories and workshops and provides for the notification of accidents.

Before the separation of Burma in 1937, the Indian legislation on this subject applied to Burma, and it was maintained after the separation in the form in which it then stood and was subsequently developed further by administrative regulations. Thus, what has been said above concerning the factory legislation of the Indian Central Government, applies also to Burma.

¹ In Ceylon, the Factories Ordinance, 1942, requires reports from employers on all major accidents. In addition, the Labour Department publishes in its annual report statistics of the causes of death among Indian immigrant labourers, and of the incidence of various types of accidents occurring in particular business establishments and industrial undertakings. In conformity with the Power-Driven Machinery Recommendation, all machinery constructed for sale and installation in Ceylon must be equipped with safety appliances. Measures in respect of safety in building and engineering construction are provided by certain extensions of the Factories Ordinance to these undertakings, which, however, do not give effect to all the provisions in this respect contained in the International Labour Code. Provisions requiring the marking of the weight on heavy packages destined for transport by sea or inland water are in preparation. Certain parts of the Factories Ordinance, relating to the safety of industrial workers, have been applied to dockers, but a variety of safety measures proposed in Convention No. 32 are not covered by that Ordinance, and further legislation might with advantage be considered on such points as safe means of access to and from the hold and deck of a ship, proper lighting on those parts of vessels where workers are employed, etc.

• In Indo-China, a Decree of 1936 contains a chapter relating to safety and hygiene. Its principal provisions are concerned with the shielding of motors and other movable parts of machinery, the lighting and ventilation of the working premises, the evacuation of fumes and gases, and so on. The application of its principles were dealt with in an Order of 1937 relating to safety and hygiene in industrial and commercial undertakings. An Order of 1941 defines the safety conditions required in the case of workers employed on scaffolding and in factories using mechanical power. The 1936 Decree was amended in 1942 in order that, by way of exception to the general principle prohibiting fines, the imposition of fines might be allowed in cases of lack of discipline and failure to observe the health and

safety regulations. The proceeds of the fines must be paid into a relief fund for the workers of the undertaking.

The Marking of Weights Convention is applied in Indonesia, but owing to the difficulty of ascertaining even the approximate weight of bulky goods, the Convention is enforced only in maritime ports as well as those engaged in foreign commerce. A number of safety regulations apply to such large-scale undertakings as electric power plants, railways, and factories. However, the Model Building Code and the greater part of Conventions 28 and 32 have not yet been implemented.

In Malaya, the Chief Inspector of Machinery is responsible for the enforcement of reasonable safety measures.

In Singapore, the Chief Inspector of Machinery, who is now attached to the Labour Department, is responsible for safety precautions in all factories in which there are power-driven machines.

During the last few years before the Japanese occupation, active steps were taken to promote industrial safety in the Philippines. A beginning was made for the framing of safety regulations, and the Bureau of Labour was engaged in various safety activities, such as the issue of educational material and the compilation of accident statistics. General safety rules, published in August 1941, are mainly concerned with the organisation of safety committees in industrial and commercial undertakings. Engine safety rules were also issued on the same date.

Australia has ratified Convention No. 27, and New Zealand Convention No. 32. Both countries possess substantial bodies of safety legislation. The Marking of Weights Convention is applied in Australian dependencies.

INDUSTRIAL HYGIENE

The following sections of the International Labour Code relate to industrial hygiene: Conventions No. 13, concerning the use of white lead in painting, adopted in 1921, and No. 18, concerning workmen's compensation for occupational diseases (1925), revised in 1932 as Convention No. 42; and Recommendations No. 3, concerning the prevention of an-

thrax; No 4, concerning the protection of women and children against lead poisoning; No. 5, concerning the establishment of Government health services; and No. 6, concerning the application of the Berne Convention of 1906 on the prohibition of the use of white phosphorus in the manufacture of matches (all of 1919). These texts attempt to prevent or limit the use in industrial processes of substances harmful to health; if, none the less, the worker contracts an occupational disease, the Code provides him with at least financial protection.

The Chinese Factory (Consolidation) Act, 1929 and 1932, contains general provisions concerning the preservation of hygienic conditions in manufacturing establishments—proper ventilation, supply of pure drinking water and washing and toilet facilities, adequate lighting, precautions with regard to poisonous substances—and for the payment of compensation in the case of sickness contracted in the course of employment. Factory Regulations governing hygiene and safety, issued in 1935, include additional rules. A decision of the Ministry of Agriculture and Commerce, dating back to 1923, implemented the terms of Recommendation No. 6. Orders prohibiting the use of white phosphorus in the manufacture of matches have been issued repeatedly and are observed in various provinces, with the exception of Shensi, where, in view of the heavy losses that would result from the destruction of the large stocks of this material, the prohibition is to be completed in four stages from January 1947 to June 1948. The enforcement of all the above legislation and the promotion of additional, more detailed regulations will undoubtedly go hand in hand with the peacetime expansion of industry in China.

India has ratified Convention No. 18 and possesses a considerable body of legislation implementing its provisions, in particular the Workmen's Compensation Act, 1923-1946. This Act contains a list of diseases which have been declared to be of occupational origin. In addition, Recommendations Nos. 3, 4 and 6 have in some measure found acceptance and been implemented in India, either on a national scale or in certain provinces, as in the case of the Anthrax

Prevention Regulation in force in Madras. In accordance with Recommendation No. 5, a Government health service was formed in the 1920's, and the Factories Act contains 'various provisions' for its expansion throughout India.

The application of the White Lead (Painting) Convention in the French Establishments in India was effected by an Order issued in 1939.

Convention No 18 is also applied in Burma, and the Workmen's Compensation Act, 1923-1937 continues in force there, as do certain measures implementing Recommendations Nos. 4, 5 and 6.

In Ceylon, the Factories Ordinance prohibits the use of white phosphorus in the manufacture of matches and implements certain provisions of the Lead Poisoning (Women and Children) Recommendation. However, legislation has not yet been adopted to put into force the White Lead (Painting) Convention and the Anthrax Prevention Recommendation. The Workmen's Compensation Ordinance covers most of the diseases scheduled in Conventions Nos. 18 and 42, and the inclusion of the remainder is being prepared.

In Indo-China, various Decrees in Tonkin, Annam, Laos, and Cochinchina prescribe the health protection of persons employed in industry and in mines, through the provision of clean housing, water and food, and through the free supply of medical treatment in some instances. The 1941 Order, previously mentioned, which applies to the whole of Indo-China, contains several provisions on industrial hygiene.

In Indonesia, the White Lead Ordinance of 1931 partially implements Convention No. 18. Application of the full provisions of the Convention was not considered possible by the Government in view of the infrequent incidence of white lead poisoning. The Mining Regulations require employers to take measures to ensure the health of the workers engaged in the undertakings in question, through the provision of drinking water, bathing accommodation, and regular medical examinations. They are under obligation to inform workers of the dangers of ankylostomiasis and to co-operate with them in taking the necessary measures for prevention and treatment. Before the war, two inspection

services were concerned with the promotion of industrial health. The Labour Inspection Service controlled general hygiene conditions in factories and workshops, while supervision of the technical aspect of hygiene and safety measures was the responsibility of the Safety Control Service. No effect has as yet been given in Indonesia to Recommendations Nos 3 and 4.

In the Philippines, the Workmen's Compensation Act of 1927 and 1930 specifies the compensation to be received by employees for illness contracted in the performance of their duties. A Department of Health and Public Welfare was organised in the Islands in January 1941.

Extensive legislation exists in Australia and New Zealand regarding the prevention of, and compensation for, industrial diseases.



In attempting an estimate of the extent to which the industrial safety and hygiene provisions of the International Labour Code may find further acceptance in the Far Eastern region, it is useful to remember that the application of these principles to local conditions must in most cases be decided on the spot. This task of adapting international standards to regional conditions falls first to the legislator and then to the labour inspector who enforces the law. It appears, however, that in a number of instances comparatively minor legislative changes may contribute to ensuring substantially greater safety and better protection of the health of the workers in Asiatic countries.

CHAPTER VI

MIGRATION

No.	Conventions	No.	Recommendations
21.	Inspection of Emigrants	19.	Migration Statistics
66.	Migration for Employment	61.	Migration for Employment
		62.	Migration for Employment (Co-operation between States)

Persons who seek employment in countries other than their own are in particular danger of exploitation and maltreatment, because their national legislation can no longer afford them protection. The safeguarding of the rights and welfare of these workers is, therefore, one of the types of international social problem for the solution of which the International Labour Organisation was created, and the provisions of its Code relating to migrants are of particular significance.

The relevant parts of the International Labour Code include Conventions No. 21, concerning the simplification of the inspection of emigrants on board ship, and No. 66, concerning the recruitment, placing and conditions of work of migrants for employment, adopted respectively in 1926 and 1939; Recommendation No. 19, concerning communication to the International Labour Office of statistical and other information regarding emigration, immigration and the repatriation and transit of emigrants, adopted in 1922, and two Recommendations of 1939, Nos. 61 and 62, concerned, respectively, with the recruitment, placing and conditions of labour of migrants for employment, and with co-operation between States in the solution of these problems. The purpose of these texts is to bring about uniform international standards in dealing with migrants, to watch over their treatment during the voyage to and after arrival at their

destination, and to ensure that their recruitment and placing is carried out under equitable conditions. Recommendation No. 62, in particular, calls for the conclusion of bilateral and multilateral agreements embodying such standards by States between which an extensive migratory movement takes place.

Since migration for employment within and out of the Asiatic region has been considerable, the application of this part of the International Labour Code should be of great value in the area. India, the Netherlands, Australia and New Zealand are parties to Convention No. 21, but no country in the region has as yet ratified Convention No. 66, which, together with Recommendations Nos. 61 and 62, was adopted shortly before the outbreak of the war. A survey of the situation in the various territories indicates, however, that in many cases the existing legislation is in close correspondence with the international standards.

Ceylon appears to furnish a good case in point. The Government maintains an establishment which gives all information to immigrant workers. Assistance is given to Indians emigrating to Ceylon for purposes of employment, which essentially fulfils the requirements set forth in Recommendation No. 61. All expenses of the recruitment, accommodation, subsistence and transport of Indian immigrant labourers are paid out of the Immigration Fund. While travelling, immigrant workers are considered to be under the protection of the Commissioner of Emigration; upon reaching territorial waters, and until they have arrived at their place of employment, they are under the protection of the Commissioner of Labour. Repatriation at the expense of the Immigration Fund is provided for any Indian immigrant labourer within one year from his arrival in Ceylon, if his return is considered desirable on the grounds of health or for any other sufficient reason. The recruiting of Indian immigrant labourers is under the control of the Commissioner of Emigration, with headquarters at Trichinopoly, India, and is carried on by emigration agents licensed for the purpose of assisting these workers to migrate to Ceylon. Such operations are carried on in co-operation

with officials of the Government of India, *e.g.*, the Protector of Immigrants. The Controller of Indian Immigrant Labour receives applications from employers, stating the number of workers required. The allotment and introduction of these labourers into Ceylon and their admission to employment in the island is under the supervision of the Controller. The Ceylon Government has stated that the provisions of Convention No. 66 are fully complied with and that Chapter III of the Legislative Enactments controls the system of recruiting. Recommendation No. 61 is generally applied in practice, though not explicitly provided for in legislation. As provided by the Migration Statistics Recommendation, the International Labour Office receives statistics regarding emigration, immigration, etc., in Ceylon.

A number of laws and regulations are in force in Indo-China for the protection of persons emigrating to accept employment elsewhere. In the three ports of embarkation of Annam, the supervision of emigrants is entrusted to resident administrators. As regards Tonkin, legislation was adopted in 1938 designed principally to concentrate in the labour emigration control office at Haiphong all recruiting operations in respect of workers leaving through this port. Emigration agents must provide for sanitary transit camps at the various ports of embarkation. The signing of the contract takes place before a representative of the labour inspection service or, at Haiphong, before the head of the labour immigration office. Before the final signature, the emigrant is subjected to a medical examination, administered free of charge by an official doctor. Every vessel which is intended to transport emigrants must, before their embarkation, undergo a detailed inspection visit by the Supervisory Commission established at Haiphong. During the voyage, the emigrants are accompanied by a public official who is responsible for ensuring that the accommodation and the food on board ship are satisfactory. Similar protective measures are provided for immigrants arriving at Saigon, where a representative of the Immigration Service boards their vessel. Within 48 hours of their arrival the immigrants undergo a medical examination, and those in poor

health are sent to hospital and, if necessary, repatriated at the expense of the recruiter. It should be pointed out that the object of this system, established before the war, was to deal with the emigration of Tonkinese and Annamite workers from the north either to the south of Indo-China or to French territories in the Pacific, a movement which has for the time being come to an end; the services in question have therefore been closed. On the other hand, the repatriation of workers who had emigrated to French territories in the Pacific, which had been suspended owing to wartime conditions, is now in progress. Indo-China has complied with the stipulations of Recommendation No. 19 regarding migration statistics.

Detailed legislation protecting emigrants is also in existence in Indonesia. The system of licensing persons who recruit emigrants conforms essentially with the provisions of the International Labour Code, in that professional recruiting is prohibited, unless carried on by agencies under the sponsorship of planters' associations. Recruiting agents must be licensed by the Director of Justice, and in certain cases the prospective emigrant is required to produce a certificate from his village headman attesting the validity of the recruiting procedure. Contracts must be in writing and concluded in the presence of a public official. Medical examination of all emigrants takes place at the port of embarkation. Those rejected for physical reasons and those who have been placed under contract through misrepresentation of the terms of service are repatriated at the expense of the recruiting agency. Emigration for employment outside Indonesia is permitted only if controlled by intergovernmental agreement. Measures for the care of emigrants while in transit to the port of embarkation and while waiting to embark are provided. Before the Japanese invasion, the authorities in Indonesia had concluded agreements with the Governments of Malaya, Surinam and British North Borneo and were negotiating an agreement with New Caledonia for the protection of migrant workers from Java and for guaranteeing their employment under proper conditions and terms of service. Measures were taken to inform emigrants of

the working conditions in the country to which they were going and officials were at times despatched to various territories where Javanese labourers were employed, in order to investigate the administration of the agreements. As the competent authorities in Indonesia have been collecting statistics on passenger movements and on migration and have otherwise complied with numerous provisions of the International Labour Code in this respect, they may now find it possible to implement that part of the Migration for Employment Recommendation which relates to the deportation of migrant workers.

In Malaya, the Governor in Council has power to regulate the emigration of Chinese labour, but in practice this power is seldom exercised since the volume of such emigration is very small. A number of regulations apply to immigrant labourers coming from China. No such immigrant may enter Malaya by sea, except through certain designated ports, and may land only after authorisation by the Controller of Immigration. On arrival at a Malayan port of a ship carrying immigrants from China, the master of the ship must immediately advise the Controller of Immigration at the port of destination of the number of immigrants to be disembarked. Every vessel carrying Chinese immigrants is visited, upon dropping anchor, by a health officer and by an official of the Immigration Department, to whom the master of the vessel gives a list of all the Chinese immigrants on board and other information relating to them. An official from the Labour Department may make enquiries to ensure that the worker has not concluded or does not intend to conclude any written labour contract. If, after examination, it appears that the immigrant was brought to Malaya by fraud or through inaccurate statements regarding his future employment, this official may have him sent back to his domicile in China at the expense of his creditor. If an immigrant under financial obligation appears to the official to be unable to work because of ill-health, he may be sent to a Government hospital for medical examination and treatment. He will be kept there at the expense of his creditor until his recovery or return to China. The Labour Department

official may fix the maximum amount up to which an immigrant may indebted himself in order to meet travel and other expenses. No Chinese immigrant is admitted to Malaya unless the ship carrying him has a doctor on board and is otherwise provided with the necessary safety and sanitary precautions. As regards the immigration of Indian workers into Malaya, similar legislative provisions exist concerning the health of the immigrant and the possibility of his being sent back to his original place of residence at the expense either of his employer or of the Indian Immigration Fund. The emigration of Indian workers from Malaya is permitted only to certain territories determined in agreement with the Government of India. Statistics on migration are kept by the authorities in Malaya.

It may be noted that no employer in Singapore may legally claim from any labourer any sum which he has advanced for expenses or passage.

The immigration of workers into New Caledonia is regulated by a Decree of 1935, which provides that the Governor, in agreement with the authorities of the country from which the workers come, shall fix the conditions under which the immigrants are admitted to employment. The vessels carrying the immigrants must satisfy certain requirements regarding accommodation, health and hygiene, and must carry a doctor at the expense of the employer. On the arrival of the vessel, the number and identity of the immigrants is verified by the Immigration Service, to which any complaints may be submitted. The usual medical examination is also provided for. Husband and wife, and children less than 18 years of age, may not be separated from one another or from their parents. The chief of the Immigration Service is entrusted with the general protection of the immigrants, under the control of the Governor. Immigrants who have finished their contracts of work must be repatriated within six months after the date of expiration; however, an immigrant having resided in the colony for at least five years may at his request be permitted to remain there permanently. As previously mentioned¹, an Order

¹ See above, p. 17.

of 1945 released all the contract workers who had entered New Caledonia before the war. At their own request, however, some of them are being repatriated in accordance with the above system.

Available information indicates that India, the Philippines, and Hong Kong compile regular statistics on migration. It will have been noted from the above description of the regulations governing Chinese immigration into Malaya that China, though not a party to the Inspection of Emigrants Convention, appears to comply with its provisions.

With the gradual return to peacetime conditions, Asiatic countries will no doubt find it possible to give consideration to the formal acceptance and practical implementation of the 1939 Conference decisions regarding migration for employment. The observance of these provisions of the International Labour Code would facilitate the movement of workers under socially desirable conditions and thus contribute to the economic welfare of the individuals and territories concerned.

CHAPTER VII

INTERNATIONAL SEAFARERS' CODE

No	Conventions	No	Recommendations
7.	Minimum Age (Sea)	9.	National Seamen's Codes
8.	Unemployment Indemnity (Shipwreck)	27.	Repatriation (Ship Masters and Apprentices)
9.	Placing of Seamen	28.	Labour Inspection (Seamen)
15.	Minimum Age (Trimmers and Stokers)	48.	Seamen's Welfare in Ports
16.	Medical Examination of Young Persons (Sea)	49.	Hours of Work and Manning (Sea)
22.	Seamen's Attitude of Agreement	77.	Vocational Training (Seafarers)
23.	Repatriation of Seamen	78.	Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews)
53.	Officer's Competency Certificates		
54.	Holidays with Pay (Sea)		
57.	Hours of Work and Manning (Sea)		
58.	Minimum Age (Sea) (Revised)		
68.	Food and Catering (Ships' Crews)		
69.	Certification of Ships' Cooks		
72.	Paid Vacations (Seafarers)		
73.	Medical Examination (Seafarers)		
74.	Certification of Able Seamen		
75.	Accommodation of Crews		
76.	Wages, Hours of Work and Manning (Sea)		

Maritime shipping has, because of its essentially international character, been the subject of continued attention by the International Labour Organisation since its inception. This close interest, exemplified by the creation of a Joint Maritime Commission and by the holding of special maritime sessions of the International Labour Conference, has resulted in an impressive list of Conventions and Recommendations, covering all aspects of a seaman's working existence. At a maritime session of the Conference, held

In June 1946 in Seattle, United States, nine Conventions (Nos. 68 to 76) and four Recommendations (Nos. 75 to 78) were adopted. The sections of the International Seafarers' Code concerned with social insurance are not dealt with in this chapter, as they fall within the purview of Report I to the Conference (*Problems of Social Security*).

The relevant Conventions and Recommendations fall under three general headings, relating to conditions of entry, conditions of employment, and the welfare of seafarers. The first group includes Conventions No. 7, fixing the minimum age for admission of children to employment at sea, adopted in 1920 and revised in 1936 as Convention No. 58; No. 15, fixing the minimum age for the admission of young persons to employment as trimmers or stokers; No. 16 concerning the compulsory medical examination of children and young persons employed at sea (1921); No. 53, concerning the minimum requirement of professional capacity for masters and officers on board merchant ships (1936); No. 73, concerning the medical examination of seafarers; and No. 74, concerning the certification of able seamen (1946); also to this category belongs Recommendation No. 77, concerning the organisation of training for sea service. The standards established set the minimum age of young persons employed on board ship at 15, and of trimmers and stokers at 18; all seafarers must possess medical certificates of fitness, as well as certificates of professional competence. Recommendation No. 77 calls for the organisation of vocational schooling for prospective seafarers.

Seamen's conditions of employment are governed by the following texts: Conventions No. 22, concerning seamen's articles of agreement (1926); No. 54, concerning annual holidays with pay for seamen; No. 57, concerning hours of work on board ship and manning (1936); No. 68, concerning food and catering for crews on board ship; No. 69, concerning certification of ships' cooks; No. 72, concerning vacation holidays with pay; No. 75, concerning crew accommodation on board ship; and No. 76, concerning wages, hours of work and manning (all of 1946); and Recommendations No. 28, concerning the general principles for the inspection

of the conditions of work of seamen (1926) ; No. 49, concerning hours of work on board ship and manning (1936) ; and No. 78, concerning the provision to crews by shipowners of bedding, mess utensils and other articles (1946). This part of the Code provides, briefly, for an 8-hour work day for seamen on board distant trade ships, and for at least 12 days' paid vacation after one year's service; standards are set for the supply of healthy food and for satisfactory accommodation aboard ship; articles of agreement are required to be signed between shipowners and seafarers, fixing other working conditions, and labour inspection services to be established in order to enforce them.

The welfare of seamen forms the subject of Conventions No. 8, concerning unemployment indemnity in case of loss or foundering of the ship; No. 9, for establishing facilities for finding employment for seamen (1920) ; and No. 23, concerning the repatriation of seamen (1926) ; and Recommendations No. 27, concerning the repatriation of ship masters and apprentices (1926) ; and No. 48, concerning the promotion of seamen's welfare in ports (1936). These texts attempt to improve the condition of shipwrecked and unemployed seafarers, as well as of seafarers in foreign ports.

Finally, Recommendation No. 9, concerning the establishment of national seamen's codes, adopted in 1920, calls for the enactment of comprehensive maritime labour legislation in the various States.

In connection with the Conventions adopted at Seattle in 1946, particular mention may be made of two features in these texts which introduce new types of international labour standards. The Wages, Hours of Work and Manning (Sea) Convention establishes, for the first time, a world-wide wage, fixed at £16 a month for able-bodied seamen. The same text, as well as the Paid Vacations (Seafarers) Convention, provides for the possibility of giving effect, in whole or in part, to its terms through collective agreements between shipowners and seafarers, as an alternative to legislative measures.

The application of the International Seafarers' Code in the Far Eastern region is assuming increasing importance

as the different countries develop their own mercantile marine. That such development is contemplated and indeed felt to be necessary has been publicly stated on many occasions. The Chinese Government delegate to the Seattle Conference, for instance, said that his nation's need for tonnage was enormous and that China, in addition to asking for a share of Japan's merchant navy by way of reparations, had sent purchasing agents to the United States, the United Kingdom and elsewhere to negotiate the acquisition of tonnage. Spokesmen for India at the Conference also referred to their country's desire to expand its own shipping. A Government delegate further pointed out the importance of maritime employment for India and stated that it had the third largest population of seafarers in the world. In the Philippines also, it has been explained by representatives of the shipping industry that one of the foremost problems of the new Republic will be the rehabilitation of shipping and the rapid development of a small but efficient merchant marine. For Australia, a Government spokesman stated in 1944 that the Commonwealth did not intend to allow its shipbuilding industry to lapse after the war, as it had done after 1919.

Maritime shipping is thus likely to assume an increasingly important place in the economy of Asia. The information which the International Labour Office has so far received on existing maritime labour laws and regulations in Asiatic countries is in many cases inadequate, partly because of the dislocation in communications caused by the war, but also because such legislation may not yet have been sufficiently elaborated. A brief recapitulation of the situation in some countries will, however, provide the outlines of the general picture.

China is a party to Conventions Nos. 7, 15, 16, and 23. However, it has not ratified the Conventions on hours of work and holidays with pay. As the number of seamen employed on Chinese ships grows, the Chinese Government will, no doubt, give careful consideration to the possibility of limiting hours of work, granting holidays with pay, and applying to all its seafarers the other benefits provided for in the Code.

India has ratified Conventions Nos. 15, 16 and 22, and although there are a number of other Conventions which it has not ratified, it would appear that many of their provisions are applied in practice. For example, certificates of competency are required from masters and mates under the Merchant Shipping Act of 1923. Regulations are also in force concerning sickness pay for Indian seamen and shipwreck pay in the event of loss of the vessel. With regard to the minimum age for employment at sea, the Government of India has stated that there are certain technical obstacles to ratification but that in point of fact there are very few Indian seamen under the age of 15, which is the standard established by Convention No. 58. However, in spite of the action taken by the Government to curtail the activities of the licensed brokers through whom the seamen are engaged, the regulation of recruitment still presents many difficulties and is apparently attended by certain abuses. The Royal Commission on Labour in India stated in its report in 1931 that the evidence it had received on the prevalence of bribery in the recruiting of Indian seamen was conflicting and it was therefore unable to pass judgment on that question. In any case the Government of India clearly recognises that abuses exist. In a recent communication to the International Labour Office, the Government indicated that it was contemplating the appointment of a committee to enquire into the present system of recruitment of Indian seamen and to make recommendations towards removing the existing evils, so as to mitigate unemployment among the seafarers of India. Such a committee might contribute much towards finding a solution for what is generally regarded as the fundamental problem in improving the conditions of work of Indian seamen.

In both China and India, the problem of adequately regulating the conditions of employment of seafarers is complicated by the fact that they are employed in large numbers on vessels belonging to other countries, so that their conditions are governed by the laws of the country under whose flag the ship sails.

For Siam, the only information which the International Labour Office has concerning the conditions of employment aboard sea-going vessels is contained in a recent statement by the Government that under present legislation the minimum age of entry to sea service is 16 years.

When Burma ceased to form part of India in 1937, it was agreed that it would remain bound by the Conventions which had been ratified by India up to that date. Conventions Nos. 15, 16 and 22 are therefore applicable to Burma, and provisions embodying them are included in the Burma Merchant Shipping Act.

In Ceylon, the minimum age for admission of children and young persons to employment aboard ship, either as seamen or as trimmers or stokers, is 14 years. The Placing of Seamen Convention (No. 9) finds partial application, since public shipping offices are maintained in the principal ports for the purpose of facilitating the engagement and discharging of seamen. Full application of the Code would, however, necessitate the gradual abolition of existing private employment offices for seafarers. The British Merchant Shipping Act of 1925, which was extended to Ceylon in 1937, provides for articles of agreement, up to two years, for two days' holiday for every month served under such articles, and for unemployment indemnity in case of shipwreck (Conventions Nos. 8, 22, and 54). Hours of work on board ship are fixed at 8 per day. Conventions Nos. 23 and 53 have also been implemented in part, and Recommendation No. 48 seems likewise to have found partial acceptance in the island. However, Conventions Nos. 16, 49, and 54 have as yet little or no counterpart in the maritime labour legislation of Ceylon.

In Indonesia, no children under 12 years of age are allowed to work on board ship unless under the care of their father or a close relative. Young persons below the age of 16 may not be employed as trimmers or stokers except on training ships or vessels propelled mainly by some means other than steam. In all instances, the age of admission to employment at sea is two years below that established by the International Seafarers' Code.

In Malaya (former Federated Malay States) no children under 14 years may be employed on small vessels, except in cases where all the persons employed on the vessel are members of the same family.

Australia has ratified seven maritime labour Conventions, and New Zealand has ratified four. In addition, even when Conventions have not been ratified because of technical difficulties or because the subject matter is dealt with by collective agreement rather than by legislation, the existing standards in these two countries are on most points as high as and sometimes higher than those embodied in the International Seafarers' Code.

The projected expansion of the merchant navies of Asiatic countries will no doubt lead to consideration of the possibility of a wider acceptance of the International Seafarers' Code in this region. A speedy submission of the Conventions and Recommendations adopted at Seattle to the competent authorities of the States concerned, as urged in a special resolution of that Conference, should have useful results.

CHAPTER VIII

AGRICULTURE

No.	Conventions	No.	Recommendations
11.	Right of Association (Agriculture)	11.	Unemployment (Agriculture)
		16.	Living In Conditions (Agriculture)

The regulation of labour conditions in agriculture is of particular importance to the present Conference in view of the predominant place which this industry plays in the lives of the people of Asia. No less than 75 per cent. of the population of this region is, it is estimated, agricultural in character. What protection has the International Labour Code to offer to these millions? In order to answer this question, brief attention must be given both to the nature of agriculture in the East and to the special characteristics of the labour engaged in this vital activity. An examination of the types of farming in Asia reveals a picture of great variety, and even a simple enumeration would go beyond the scope of this survey. A classification limited to the broadest groupings, according to size, shows at one end large-scale agricultural exploitation carried on by hired labour and, at the other, small holdings where all the work is performed by the owner himself and his family. Thus an important dividing line emerges, since in the former category work is performed for wages and other reward, while in the latter case the farmer, whether tenant, or part or full owner, labours on his own account.

Of these two types only the wage-earning agricultural worker is, at the present stage, protected by effective labour legislation. A substantial proportion of these labourers work on estates or plantations in the tropical and subtropical territories of Asia, with a written or oral contract. The

provisions of the International Labour Code in regard to the recruiting and employment of these workers have been discussed in Chapter I, in connection with the general topic of employment and unemployment; it will suffice to recall here that the Conventions in question concern forced labour (No. 29), recruiting of indigenous workers (No. 50), contracts of employment (No. 64), and penal sanctions (No. 65), also of relevance are Recommendations Nos. 46 and 58.

While the above instruments do not relate exclusively to agricultural workers, other parts of the International Labour Code are specifically concerned with them. Most of these texts have also been previously mentioned: the Minimum Age (Agriculture) Convention (No. 10) and the Night Work of Children and Young Persons and the Vocational Education (Agriculture) Recommendations (Nos. 14 and 15) are dealt with in connection with the employment of children and young persons (Chapter III); the Childbirth and the Night Work of Women Recommendations (Nos. 12 and 13) are treated together with other texts on the employment of women (Chapter IV). A number of other very important Conventions and Recommendations concern the extension of social insurance, including workmen's compensation, to agriculture, and are therefore covered by Report I (*Problems of Social Security*). Besides these instruments which have special reference to agriculture, there are certain other Conventions and Recommendations which relate to agricultural workers in common with workers in industry, etc. But since these latter texts have, so far, been of primary interest to non-agricultural occupations and have therefore been treated in preceding pages, they are not again referred to in the present chapter.

Before proceeding to the discussion of the remaining parts of the International Labour Code, dealing specifically with agriculture, a word of explanation may be offered, especially in view of the vital importance of agriculture in the economic life of Asia, upon the reasons why the legislative work of the International Labour Organisation has,

so far, touched agricultural labourers to a smaller degree than their fellow workers in other economic fields. The answer to this question lies in the nature of agriculture itself and in the degree of organisation among its workers. Agricultural operations are vast, varied and widely scattered. Hence the framing, as well as the enforcement, of protective labour legislation presents practical difficulties. The problem is further complicated by the lack of organisation among agricultural workers, which makes for weakness in collective action and for inadequate representation at national and international councils.

This last point is well illustrated by the effect which Convention No. 11, concerning the rights of association and combination of agricultural workers (1921), has had so far in the Asiatic region. The instrument pledges the granting to such labourers of the same rights of united action as are guaranteed to workers in industry. The Convention has been ratified by China, India, and New Zealand.

In China, agricultural workers are entitled to form unions in conformity with the amended Labour Unions Act, 1948. According to reports by the Ministry of Social Affairs, the number of unions has increased rapidly, from 5,796, with 963,108 members, in 1940, to 12,889, with 5,671,810 members, in 1946.

In India, the enabling legislation is the Indian Trade Unions Act, 1926, which, under the present Constitution, is administered by the provincial authorities through special officers, known as registrars.

Reports from the Government of Burma, which is bound by Convention No. 11, covering the period immediately preceding Japanese occupation stated that trade unionism was practically non-existent among agricultural workers there. Only one application for registration had been received from such a union.

In Ceylon, the relevant legislation does not contain any discriminatory clause against the right of agricultural labourers to form, and be members of, trade unions.

In Indonesia, an "omnibus" Ordinance, dealing with numerous questions covered by the International Labour

Code, established, among other matters, the right of association for agricultural workers. However, such unions seem still to be in a preliminary stage of formation.

In Malaya, the Societies Ordinance, 1909, had already accorded the right of association to all groups. The Trade Union Ordinance, 1940, provides for the registration of unions and permits conclusion of contracts.

In Singapore, when measures were taken at the end of the war for the regulation of labour conditions, all unions were required to apply for registration before August 1946, by which date applications were in fact received from over 90 unions.

New Zealand is a party to the Right of Association (Agriculture) Convention, but combination among agricultural workers has apparently been slow in developing there, as elsewhere.

In addition to the above Convention, two Recommendations, No. 11, concerning the prevention of unemployment in agriculture, and No. 16, concerning living-in conditions of agricultural workers (1921), should also be mentioned. Recommendation No. 11 calls for the elimination of unemployment in agriculture through more intensive cultivation, through progressive settlement policies, through the integration of industrial and agricultural employment, and through the encouragement of agricultural workers co-operative societies. Recommendation No. 16 is particularly significant, because of the notoriously poor standards of living accommodation to which agricultural labourers are frequently subjected. The International Labour Code suggests, in this respect, the adoption of statutory and other measures regulating housing conditions and requiring clean and sanitary facilities. Some notable progress seems to have been made in this direction on large plantations, where good housing is quite often provided for employees, e.g., on rubber and other estates in Indo-China and Indonesia.

It would appear, in conclusion, that in spite of the difficulties enumerated regarding the application and extension of the agricultural provisions of the International Labour Code, further advances are possible and may, in

fact, be sought at the present Conference. Since the principal obstacle, in the past, has apparently been the size and heterogeneous composition of the world of agriculture, the problem can perhaps best be dealt with piece by piece, in other words along regional lines. In the Far Eastern region a certain degree of climatic and geographic unity makes for broadly similar conditions in most of the area and should facilitate somewhat the solution of agricultural labour questions. The holding of the Preparatory Asiatic Regional Conference thus offers an unprecedented opportunity to explore fresh avenues of approach in the attempt to improve the lot of the agricultural labourer in this region through international action.

CHAPTER IX

ADMINISTRATION OF LABOUR LAW : INSPECTION AND STATISTICS

<u>No.</u>	<u>Conventions</u>	<u>No.</u>	<u>Recommendations</u>
65.	Statistics of Wages and Hours of Work	20.	Labour Inspection
		59.	Labour Inspectorates (Indigenous Workers)

For the special purpose of facilitating the administration of labour laws and regulations, the International Labour Conference has also adopted certain texts of a general character, relating to labour inspection and to labour statistics.

LABOUR INSPECTION

From the viewpoint of the effective application of the International Labour Code, no single subject is more important than that of labour inspection. For the enactment of legislation is only the first step towards the establishment of social standards. An indispensable sequel to the enactment of a law is the creation of effective administrative machinery to ensure its actual enforcement. A well-organised and numerically adequate labour inspectorate is, in fact, the necessary instrument to transform the provisions of the Code from abstract legal terms into the administrative framework of a concrete social policy.

Above and beyond these generally valid considerations, labour inspection assumes added significance in those areas where, as in most Asiatic countries, associations of workers are not as yet sufficiently experienced to exercise a certain degree of supervision over the application of social legislation, and many of the workers are ignorant of their rights.

It is of interest to the present Conference to recall that regional meetings of representatives of labour inspection services were held for western and central Europe respectively in 1935 and 1937, and that, more recently, the 3rd Labour Conference of American States, at Mexico City (1946), devoted considerable attention to the strengthening of labour inspection systems in the countries of the Western Hemisphere. Similar discussions concerning the Far East would undoubtedly prove most valuable.

The International Labour Code contains four Recommendations relating to labour inspection: No. 5, concerning the establishment of Government health services; No. 20, concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers (1923); No. 28, concerning the general principles for the inspection of the conditions of work of seamen (1926); and No. 59, concerning labour inspectorates for indigenous workers (1939). Treating them in reverse chronological order, the last-mentioned instrument calls for the establishment of adequate labour inspection facilities in all non-self-governing territories where such services do not already exist. Recommendations Nos. 5 and 28 were discussed in Chapters V and VII respectively, in connection with industrial hygiene and the International Seafarers' Code. The most important text, by far, is the 1923 Recommendation, which lays down a number of detailed provisions regarding the purpose, organisation and functioning of a labour inspectorate. Since this Recommendation, as well as the whole question of labour law administration in Asiatic countries, receives more exhaustive treatment in Report II (*Labour Policy in General, including the Enforcement of Labour Measures*), the present survey need merely call attention to the importance of labour inspection in relation to the effective application of the International Labour Code.

Mention may also be made of a proposal by the Delegation which the Paris Session of the International Labour Conference (1945) had set up to review questions relating to the constitutional reform of the Organisation. The Dele-

gation suggested the inclusion, in appropriate future Conventions, of a model clause providing for the supply of information by the Governments upon the organisation and results of labour inspection. This suggestion is due to be discussed by the Conference at its 30th Session (Geneva, June-July 1947) in connection with the general question of adopting a Convention on labour inspection.¹ Such developments should help materially to increase mutual confidence in the scrupulous application of international labour legislation.

STATISTICS

For the effective administration of labour law, it is no less necessary to have adequate statistical data. Convention No. 63, concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, places upon its signatories the obligation to compile specified statistical information and to submit it to the International Labour Office at the earliest possible moment. The Convention contains provisions, already referred to in the Introduction to this Report, whereby parts of the instrument, relating to average earnings, time rates of wages and agricultural wages, may be ratified separately, if immediate complete compliance appears impracticable. This arrangement for ratification by stages constitutes an interesting form of implementing international agreements which in future may prove particularly useful in meeting problems of regional differences.

It should also be recalled at this point that other parts of the International Labour Code, discussed in preceding chapters, contain provisions regarding the submission of statistical data to the International Labour Office. The relevant texts are the Unemployment Convention (No. 2, 1919), the Unemployment (Young Persons) Recommendation (No. 45, 1935) and the Migration Statistics Recommendation (No. 19, 1922).

¹ The present Report was sent to the press in May 1947.

In the Asiatic countries of the Far Eastern region, the collection and compilation of labour statistics are still in the initial stages.

In China, wage data are compiled for certain cities, such as Shanghai and Chungking, but in general their scope is as yet limited. Recently the Ministry of Social Affairs sent investigators to the leading cities to collect data relating to wages and hours in factories and mines, and index figures have been published. The Statistics Department of the Ministry issues a monthly periodical, in which statistics of the wages, actual earnings, and working hours of the various categories of workers are published. Furthermore, factory inspectors trained and appointed by the Bureau of Factory Inspection also visit the factories in leading cities to collect statistics.

In India, the decennial census figures of the gainfully occupied furnish information on the number of workers employed in certain industries, including railways and mining. Important legislation relating to the submission of statistical returns has been adopted recently, in the form of the Industrial Statistics Act of 1942, which provides for the collection of statistics relating to factories and conditions of life and work of the workers: commodity prices, regularity of attendance at work, living conditions, rents, workers' indebtedness, wages and hours of work, provident fund and other benefits, employment and unemployment, and industrial disputes. The Act aims at establishing a much greater degree of uniformity than had hitherto been possible. Its bringing into force, as well as the securing of returns, is left to the provincial Governments. Similar legislation has also been adopted by the Central Provinces and Berar. It may also be mentioned that the Government of the United Provinces established a Bureau of Economics in 1938, for conducting industrial surveys and collecting labour statistics and data relating to rural economics.

In Ceylon, labour statistics are collected but they are considered inadequate. The appointment of a special statistics officer has been proposed on a recommendation made by the Labour Adviser to the Secretary of State for the Colonies.

In Indonesia, some statistical information is available from the censuses of gainfully employed persons.

Australia and New Zealand have both ratified parts of Convention No 63 and publish comprehensive statistics of wage rates in industry and mining, and in agriculture.

The continued economic development of Asiatic countries will undoubtedly lead to the expansion of official arrangements for the collection and publication of labour statistics. The possession of such information is, in fact, indispensable for the planning and supervision of an expanding economy.

CHAPTER X

CONCLUSION

This Report has attempted to provide a comprehensive picture of the extent to which the standards of the Conventions and Recommendations adopted by the International Labour Conference have so far found complete or partial application in Far Eastern countries. Despite the fragmentary data on which it is based and other shortcomings of which the Office is fully conscious, it is hoped that certain definite conclusions can be drawn from this initial survey which may be of some assistance to the countries concerned in charting their course of reform in the field of labour legislation. While national action will be the responsibility of individual Governments, attention may be called to two preliminary points of a general character which have emerged from the present study: first, how the application of the standards embodied in existing Conventions and Recommendations can be extended in Asiatic countries, next, the direction in which the International Labour Code itself might be adapted or amplified in order to meet more fully the needs of the region.

The achievement of the first objective can be greatly facilitated through strict compliance on the part of Member States with the requirements of the Constitution of the International Labour Organisation in regard to Conventions and Recommendations. Articles 19 and 22 of the Constitution provide for the submission of Conventions and Recommendations to the national "competent authorities" (legislatures) and in case of the ratification of Conventions, for annual reports by the Governments to the International

Labour Office on the application of the ratified Conventions. The International Labour Conference has on more than one occasion drawn attention to the fundamental importance of punctual and regular submission of Conventions and Recommendations to the Legislatures of the various countries for their consideration. Such submission is one of the basic obligations of membership of the International Labour Organisation and its strict observance is of great importance to the proper working of the Organisation, as it furnishes legislative bodies and public opinion generally with an opportunity to make themselves acquainted with internationally agreed labour standards, and serves to integrate the proceedings of the International Labour Conference with the deliberations of national parliaments. Of no less significance from the point of view of world-wide application of the International Labour Code is compliance by the countries concerned with the terms of Article 35 of the Constitution regarding extension of the provisions of ratified Conventions to territories which are not yet fully self-governing. The constitutional amendments adopted by the Conference at its Montreal Session (1946) would, when in force, result in a broadening of these functions, by requiring periodical reports on the extent to which unratified Conventions have found application and on the effect given, in full or in part, to Recommendations.

Furthermore, as has already been emphasised in Chapter IX, in connection with the question of labour law administration, the ratification of a Convention and the enactment of the relevant legislation are only the initial, though indispensable, steps for ensuring effective legal protection to the worker. Of equal importance is the practical enforcement of the legislation implementing the ratification, which depends primarily on the existence of efficient labour inspectorates. The Conference will no doubt give special attention to this question of inspection, viewed within its regional setting. The important role which representatives of employers and workers in association with those of Govern-

ments are able to play in facilitating the enactment and administration of labour law is illustrated by the establishment of a tripartite labour organisation in India, on the pattern of the International Labour Organisation. Other countries in this region may wish to consider the creation of similar machinery as an added facility for the co-ordinated promotion of social legislation. On an international scale the adoption of the proposed Convention on labour inspection, as well as the suggested inclusion in certain Conventions of model clauses requiring Governments to supply information on the organisation and results of labour inspection in their respective countries, should greatly strengthen mutual confidence in the legislative work of the International Labour Organisation.

This Preparatory Conference will no doubt wish to consider whether progress in the scope of application of labour law in Asiatic countries will not be achieved through a more inclusive definition of the size of the industrial and agricultural establishments covered by protective legislation. At present large numbers of workers are without adequate legal safeguards because their places of employment do not meet the specifications as to "number of employees," use of machinery, etc., which would bring them within the scope of the law. In many cases, therefore, a widening of the coverage of existing laws and regulations should bring about results possibly as far-reaching as the enactment of new legislation. Equally effective would be a broader interpretation of certain labour measures so as to secure to agricultural workers the benefit of the protection which they afford. The need for this extension is particularly great in the Asiatic countries of the Far Eastern region, where three out of every four persons are engaged in farm labour. The difficulties inherent in such extension are of course considerable and are illustrated to some extent by the comparatively restricted place so far accorded in the International Labour Code to the provisions applying to agriculture.

The existing international labour standards for agriculture may indeed be usefully supplemented in the future

by the adoption of additional Conventions and Recommendations on the subject, and the views of the present Conference should carry particular weight in influencing action by the International Labour Organisation in that direction.

But the Preparatory Conference can also lead to other tangible results. Previous regional conferences have considered it useful to elaborate "fair labour standards" for a given geographical area. For example, a resolution embodying such regional standards for the Western Hemisphere was adopted by the 2nd Labour Conference of American States, held in Havana in 1939. Preliminary discussion at the present Conference of a resolution along those lines should help to pave the way for the formulation, at the proposed Asiatic Regional Conference in 1948, of similar standards for the countries of the East.

The object of the International Labour Code is to prescribe minimum standards of labour protection applicable as far as possible to all countries. But the Organisation has from its inception taken account of differences in different parts of the world. An exceptionally well-qualified observer, after visiting various Asiatic countries a few years ago, gave it as his considered opinion that "the closing of the economic gap between the East and the West is one of the greatest problems of the present time". In a world which under the powerful impact of technical progress is being drawn closer together with almost incredible rapidity, the persistence of vast regional differences in economic and social standards calls for special consideration. The necessary levelling-up of such inequalities can be brought about ultimately only by industrialisation and economic development adapted to the particular requirements of each community. The Asiatic countries of the Far East have proclaimed in no uncertain terms their determination to bring about such development by measures suited to their special conditions with the least possible delay. In this process of readjustment and growth the International Labour Organisation has a useful part to play. Along with measures for the economic regeneration of the Far

Eastern countries, ever wider acceptance and application of the standards embodied in the International Labour Code should contribute materially to the gradual closing of the "gap" between the East and the West, by providing these countries with democratically negotiated international criteria of labour protection, towards whose progressive realization national policy may be directed.
